

## UNOFFICIAL VERSION

### FRIDAY, JUNE 19, 2020 SEVENTY-FOURTH LEGISLATIVE DAY

The hour of 12:00 midnight on June 19, 2020 having arrived, the House commenced with the 74th Legislative Day.

#### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 363** Reps. Doggett and Hurt as prime sponsors.

**House Bill No. 2924** Reps. Windle, Powell, Freeman, G. Johnson, Hodges and Thompson as prime sponsors.

#### MESSAGE FROM THE SENATE June 18, 2020

MR. SPEAKER: I am directed to transmit to the House, SB2312.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No.1, 2, 3, & 4.

The Speaker appointed a Conference Committee composed of Senators:Gardenhire, Reeves & Akbari to confer with a like committee from the House in open conference to resolve the differences between the bodies on SB2312.

RUSSELL A. HUMPHREY, Chief Clerk

#### HOUSE ACTION ON SENATE MESSAGES

**Senate Bill No. 2312** -- Hospitals and Health Care Facilities - As introduced, makes various changes to the certificate of need process for healthcare facilities and services. - Amends TCA Title 68, Chapter 11, Part 16. by \*Gardenhire, \*Reeves, \*Watson, \*Jackson, \*Crowe, \*Stevens. (HB2350 by \*Smith, \*Daniel, \*Sherrell, \*Hardaway, \*Baum, \*Helton, \*Sparks)

#### CONFERENCE COMMITTEE APPOINTED ON SENATE BILL NO. 2312

Pursuant to **Rule No. 73**, Representative Smith acceded to the request of the Senate and moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 2312, which motion prevailed.

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

The Speaker appointed Representatives Smith, Vaughan and Windle as the House members of the Conference Committee on Senate Bill No. 2312.

**MESSAGE FROM THE SENATE**

**June 18, 2020**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 2931. The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**HOUSE ACTION ON SENATE MESSAGES**

**Senate Bill No. 2931** -- Appropriations - As introduced, makes appropriations for the purpose of defraying the expenses of certain legislative enactments passed during the 2019 session of the 111th General Assembly; earmarks sufficient state funds for the purpose of funding any bill naming a highway or bridge in honor of a service member killed in action. by \*Johnson, \*Stevens. (HB2922 by \*Lamberth, \*Gant, \*Lynn, \*Hicks, \*Hill M, \*Hazlewood, \*White)

Rep. Lamberth moved that the Report of the Conference Committee on **Senate Bill No. 2931** be adopted and made the action of the house.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL NO. 2931**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 2931 (House Bill No. 2922) has met and recommends that all amendments be deleted:

The Committee further recommends that the following amendment be adopted: by deleting all language after the enacting clause and substituting instead the following:

**SECTION 1.** Orderly Closing of Fiscal Years 2019-2020 and 2020-2021. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it. It is the legislative intent to fulfill the essential function and constitutional responsibility of state government to orderly close fiscal years 2019-2020 and 2020-2021. Under the provisions of Tennessee Code Annotated, Section 4-3-1016, as amended by Senate Bill No. 2932 / House Bill No. 2924, if such bill becomes a law, the Commissioner of Finance and Administration is authorized to deny carry forwards for and to transfer funds from the enumerated funds, reserve accounts, or programs to the state general fund for the sole purpose of meeting the requirements of funding state government for the fiscal years ending June 30, 2020 and June 30, 2021, and for that purpose such funds hereby are appropriated to the general fund. The Commissioner of Finance and Administration shall report to the Speakers of the Senate and the House of /s/ Representatives, the chairs of the Senate and House Finance, Ways and Means Committees, and the directors of the Office of Legislative Budget Analysis all such transfers and carry-forward denials by January 15, 2021. Such transfers and carry-forward denials shall be according to the following schedule, to the extent funds are available in the reserves and considering the interests of the programs, as determined by the Commissioner of Finance and Administration:

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

Item 1. From the reserves for unencumbered balance and capital outlay that are not permanent statutory reserves.

Item 2. From the statutory reserves enumerated in Tennessee Code Annotated, Section 4-3-1016, as amended by Senate Bill No. 2932 / House Bill No. 2924.

Item 3. From the TennCare reserve.

Item 4. From the reserve for revenue fluctuations established by Tennessee Code Annotated, Section 9-4-211.

SECTION 2. Pursuant to Tennessee Code Annotated, Section 9-4-5111, the Commissioner of Finance and Administration is authorized to reserve a portion of the allotments appropriated in Chapter 651, Public Acts of 2020, and this act. It is the further legislative intent that any items identified for reserve allotment in the fiscal year 2020-2021 enacted budget will be identified and reported as a recommended reduction in the Governor's fiscal year 2021-2022 Budget Recommendation to the General Assembly for review and approval as part of the normal budget development process and in accordance with existing law.

SECTION 3. Authorization to Transfer Appropriations in 2019-2020. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it. From the appropriations made in Chapter 405, Public Acts of 2019, the Commissioner of Finance and Administration is authorized to make transfers from the appropriations made:

Item 1. From the unexpended balances in Miscellaneous Appropriations in Section 1, Title III-22, a sum sufficient is authorized to be transferred to the Tennessee Bureau of Investigation for the orderly close of fiscal year 2019-2020.

SECTION 4. Other Additions to Budget. In addition to the amounts appropriated in Sections 1 and 4 of Chapter 651, Public Acts of 2020, the following amounts are appropriated, and the Commissioner of Finance and Administration is authorized to allocate the appropriations to the appropriate organizational units and to adjust federal aid and other departmental revenues and position authorizations accordingly. Full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

Item 1. There is hereby appropriated to the State Funding Board for interest and reduction of the state debt, for debt service expense and interest on proposed bond authorization:

(a) Amortization of Authorized and Unissued Construction Bonds, in the amount of \$24,386,210, recurring.

Item 2. Miscellaneous Appropriations – Employee Buyout Initiative, in the amount of \$50,000,000, non-recurring. Employees taking advantage of the buyout initiative shall receive a severance package. Benefits included in this buyout initiative plan may include, but not be limited to, the following:

(1) A base payment plus an amount based on years of service and capped at an amount to be determined;

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

(2) Extended health insurance benefits for a period of months to be determined, or a cash option to buy into COBRA health coverage, or a cash option equivalent to the extended health insurance benefit; and

(3) College tuition assistance for 2 years to be capped at the average of the highest four-year public Tennessee college undergraduate level; provided, however, that such assistance shall only be provided for periods of actual attendance within a period of time to be determined by the Commissioner of Finance and Administration.

The Commissioner of Finance and Administration shall submit a copy of the buyout initiative plan to the Speaker of the Senate, Speaker of the House of /s/ Representatives, and Chairs of the Finance, Ways and Means Committees of the Senate and House of /s/ Representatives.

SECTION 5. Base and Cost Increase Reductions. The appropriations in Section 1 of Chapter 651, Public Acts of 2020, except as otherwise provided herein, hereby are reduced in the following amounts for the purpose of deleting base and cost increase appropriations and positions that had been recommended in the 2020-2021 Budget Document, and the Commissioner of Finance and Administration is authorized to allocate the appropriation reductions to the appropriate organizational units and to adjust federal aid and other departmental revenues and authorized positions accordingly.

Item 1. General Fund and Education Fund Appropriations. The following appropriations are from the general fund and education fund, as applicable.

	<u>Recurring</u>	<u>Non-Recurring</u>
1. Education – BEP Salary – Delete	\$ (58,680,000)	\$ 0
2. Higher Education – Formula and Non-Formula Units – Salary Pool – Delete	(23,590,800)	0
3. Miscellaneous Appropriations – TEAM Act Salaries – Delete	(22,956,000)	11,478,000
4. Miscellaneous Appropriations – Non-TEAM Act Salaries – Delete	(5,359,200)	0
5. Miscellaneous Appropriations – Salaries – Market Rate Adjustment – Delete	(20,000,000)	0
6. Correction – Salary Increases for Probation and Parole Officer Series – Delete	(9,995,100)	0
7. Salaries – Trooper Survey – Delete	(1,137,300)	0
8. Salaries – TLETA Survey – Delete	(18,500)	0
9. District Attorneys – Mandated Salary Increase – Reduce – Fund Balance with Equity	(656,600)	0
10. Human Services for District Attorneys – Mandated Salary Increase – Reduce – Fund Balance with Equity	(21,200)	0
11. Public Defenders – Statutory Salary Step	(359,200)	0

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

	Raises – Reduce – Fund Balance with Equity		
12.	Post-Conviction Defender – Statutory Salary Step Raises – Reduce – Fund Balance with Equity	(12,500)	0
13.	Safety – Statutory Salary Step Raises – Reduce – Fund Balance with Equity	(587,200)	0
14.	Commerce & Insurance – TLETA Statutory Salary Step Increase – Reduce – Fund Balance with Equity	(21,400)	0
15.	Children’s Services – Case Manager Salary Adjustment – Delete	(3,639,200)	0
16.	Correction – State Prosecutions – Reduce and fund Non-Recurring	(22,289,000)	8,000,000
17.	Economic & Community Development – FastTrack – Reduce	0	(5,000,000)
18.	Economic & Community Development – Broadband Initiative – Reduce	0	(10,000,000)
19.	Education – Non-Public Education Choice Programs – Reduce	0	(15,130,100)
20.	Higher Education – Outcomes Based Funding Formula – Delete	(38,000,000)	0
21.	Military – Armories Maintenance – Delete	(1,000,000)	0
22.	Safety – Manpower Increase of Troopers – Delete (-10 FT)	(899,000)	(615,000)
23.	Environment & Conservation – Cummins Falls State Park – Reduce (-3 FT)	(128,900)	0
24.	Environment & Conservation – State Park Maintenance – Reduce	0	(8,000,000)
25.	Environment & Conservation – Air Pollution Control Non-Title V Program – Reduce	(1,500,000)	0
26.	Tennessee Bureau of Investigation – Field Agent Positions – Delete (-25 FT)	(3,387,400)	(2,177,700)
27.	TennCare – ECF CHOICES – Waiting List – Delete	(15,055,200)	10,018,400
28.	TennCare – ECF CHOICES – Group 7 & 8 Populations – Delete	(6,379,000)	0
29.	TennCare – Postpartum Coverage Extension Pilot – Delete	0	(6,644,700)
30.	TennCare – Dental Coverage for Pregnant and Postpartum Women – Delete	(2,023,500)	0
31.	TennCare – New Therapists – Delete	(682,400)	0
32.	TennCare for Children’s Services – Case Manager Salary Adjustment – Delete	(1,136,100)	0
33.	Transportation – Transportation Equity Fund – Delete	0	(30,000,000)
34.	Military – New TEMA Region – Delete (-19 FT)	(1,265,500)	(285,000)

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

35.	Higher Education – Capital Maintenance – Delete	(6,500,000)	(3,500,000)
36.	General Services – Statewide Capital Maintenance – Delete	<u>(6,500,000)</u>	<u>(3,500,000)</u>
	Total	<u>\$ (253,780,200)</u>	<u>\$ (55,356,100)</u>

Item 2. The appropriation in Chapter 651, Public Acts of 2020, Section 1, Title III-8, Item 7, FastTrack Infrastructure and Job Training Assistance, hereby is reduced \$15,000,000 recurring.

Item 3. The appropriation in Chapter 651, Public Acts of 2020, Section 1, Title III-9, Item 2.1k, Non-Public School Education Choice Programs, hereby is reduced \$26,500,000 non-recurring.

Item 4. The appropriation in Chapter 651, Public Acts of 2020, Section 1, Title I, Item 1.2, House of /s/ Representatives, hereby is reduced \$107,800 recurring.

Item 5. The appropriation in Chapter 651, Public Acts of 2020, Section 1, Title I, Item 1.3, State Senate, hereby is reduced \$37,350 recurring.

SECTION 6. Capital Outlay Additional Provisions. The following provisions are in addition to other provisions of this act and Chapter 651, Public Acts of 2020 concerning the capital outlay budget and the facilities revolving fund capital outlay budget.

Item 1. The provisions of this item shall take effect upon becoming a law, the public welfare requiring it. Subject to Senate Bill No. 2935 / House Bill No. 2930 becoming a law, the additional general obligation bond authorization recommended in addition to Chapter 649, Public Acts of 2020, it is the legislative intent to fund certain capital outlay projects with bonds in lieu of previously appropriated capital outlay current funds. The Commissioner of Finance and Administration is directed to reduce the allotment of appropriations from current funds in the capital projects fund according to the following schedule:

(a) Veterans Home Board – West Tennessee Veterans Nursing Home, funded in Chapter 460, Public Acts of 2017, Section 1, Title 32, Item 10, in the amount of \$10,000,000.

(b) Veterans Home Board – West Tennessee Veterans Nursing Home Bridge Funding, funded in Chapter 460, Public Acts of 2017, Section 64, Item 37, and reappropriated in Chapter 1061, Public Acts of 2018, Section 59, Item 3(g), in the amount of \$8,000,000.

(c) Middle Tennessee State University – MTSU School for Concrete and Construction Management, funded in Chapter 405, Public Acts of 2019, Section 1, Title 33, Item 9, in the amount of \$34,085,000.

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

(d) Economic and Community Development – Amazon Operations Center Grant, funded in Chapter 405, Public Acts of 2019, Section 1, Title 33, Item 1, in the amount of \$65,000,000.

(e) Economic and Community Development – Volkswagen Plant Infrastructure Grant, funded in Chapter 405, Public Acts of 2019, Section 1, Title 33, Item 2, in the amount of \$50,000,000.

There is hereby transferred the sum of \$167,085,000.00 from the capital projects fund to the general fund in the fiscal year ending June 30, 2020.

Item 2. Of the capital maintenance projects listed on pages A-131 through A-138 of the 2020-2021 Budget Document and in Section 1, Title III-33 of Chapter 651, Public Acts of 2020, the following hereby are reduced. Negative amounts are reductions and positive amounts are increases.

	<u>State Funds</u>	<u>Other Funds</u>
1. Agriculture - Statewide Facilities Assessment and Maintenance Plan	\$ (950,000)	\$ 0
2. Agriculture - Knoxville District Office Warehouse Complex Renovations	(500,000)	0
3. Environment and Conservation - Norris Dam State Park Water Line Replacement	(6,181,400)	(198,600)
4. General Services - ADA Compliance	(800,000)	800,000
5. General Services - Environmental Consultants	(5,000,000)	1,000,000
6. General Services - State-Owned Buildings OSHA Compliance	(800,000)	800,000
7. General Services - TPAC Annual Maintenance Grant	(300,000)	150,000
8. General Services - National Civil Rights Museum Maintenance Grant	(300,000)	150,000
9. General Services - Tennessee Residence Security Upgrades	(970,000)	970,000
10. Human Services - TRC Smyrna Campus System Upgrades Phase 2	(5,940,000)	0
11. Intellectual and Developmental Disabilities - MTRO Essential Maintenance	(3,210,000)	0
12. Military - Statewide TEMA Lighting Upgrades	(220,000)	0
13. Military - Russellville RC Plumbing Repair	(250,000)	0
14. Austin Peay State University - Campuswide Elevator Modernization	(750,000)	0
15. East Tennessee State University - HVAC Repairs Phase 1	(3,470,000)	0
16. Middle Tennessee State University - Elevator Modernization Phase 3	(2,000,000)	0
17. Middle Tennessee State University - Water	(490,000)	0

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

and Sewer System Updates Phase 2		
18. Tennessee State University - Power Plant Equipment and Lighting Upgrades Phase 2	(3,073,400)	0
19. Tennessee State University - Campus HVAC Repairs Phase 2	(1,881,000)	0
20. Tennessee Technological University - Building Controls Upgrade Phase 1	(3,000,000)	0
21. University of Memphis - Central Chiller and CFA HVAC Replacements	0	(5,000,000)
22. University of Memphis - Multiple Buildings Interior Repairs Phase 2	(2,000,000)	0
23. University of Memphis - Campus-Wide Boilers and Hot Water Pipes Repair Phase 2	(2,500,000)	0
24. Tennessee Board of Regents - COSCC Mechanical System Upgrades	(950,000)	950,000
25. Tennessee Board of Regents - MSCC McMinnville Campus HVAC Upgrades	(920,000)	920,000
26. Tennessee Board of Regents - JSCC McWherter Center HVAC Updates Phase 2	(1,260,000)	1,260,000
27. Tennessee Board of Regents - Statewide TCAT Mech., Electrical, and Plumbing Updates	(1,890,000)	1,890,000
28. Tennessee Board of Regents - TCAT Jacksboro Door and Window Replacements	(140,000)	140,000
29. Tennessee Board of Regents - TCAT Parking Improvements	(1,350,000)	0
30. Tennessee Board of Regents - CLSCC Science Building Renovations	(1,880,000)	0
31. Tennessee Board of Regents - TCAT Maintenance Repairs	(1,450,000)	0
32. Tennessee Board of Regents - CHSCC Warehouse Roof Replacement	(280,000)	0
33. Tennessee Board of Regents - PSCC Strawberry Plains Roof Replacement	(460,000)	0
34. Tennessee Board of Regents - TCAT Mechanical, Electrical, and Plumbing Updates	(3,230,000)	0
35. University of Tennessee - UTM EPS Building Systems Upgrades	0	(9,870,000)
36. University of Tennessee - UTC Multiple Buildings Roof Replacements	(3,651,500)	(1,378,500)
37. University of Tennessee - UTHSC Campus Police Building Upgrades	(8,000,000)	0
38. University of Tennessee - UTIA CRC/MAST, BESS, and JARTU Improvements	(7,120,000)	0
39. University of Tennessee - UTK Building Systems Improvements (20-21)	(4,000,000)	0

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

40. University of Tennessee - UTC Multiple Buildings Elevator Upgrades	(2,330,000)	0
41. University of Tennessee - Statewide Facilities Space Analytics	(1,000,000)	0
Total	<u>\$ (84,497,300)</u>	<u>\$ (7,417,100)</u>

Item 3. Of the facilities revolving fund capital maintenance projects listed on pages A-153 through A-158 of the 2020-2021 Budget Document and in Section 1, Title III-30 of Chapter 651, Public Acts of 2020, the following hereby are reduced. Negative amounts are reductions and positive amounts are increases.

	<u>State Funds</u>	<u>Other Funds</u>
1. FRF - TN Tower Fire Alarm and Fire Suppression Upgrades	\$ 0	\$ (12,790,000)
2. FRF - Jackson Supreme Court Cleaning, Repairs, Interior Renov.	(3,320,000)	0
3. FRF - Andrew Jackson Building Elevator Replacement	(8,500,000)	0
4. FRF - Legislative Plaza Fountains	0	(1,390,000)
5. FRF - TPS Complex Utility Pole Replacements and Removal	(1,670,000)	0
6. FRF - State Capitol Complex Exterior Lighting Upgrades	(730,000)	0
Total	<u>\$ (14,220,000)</u>	<u>\$ (14,180,000)</u>

Item 4. The capital outlay projects listed in the 2020-2021 Budget Document and which are identified with the heading "Proposed Capital Projects from School Bonds and Other Sources, Fiscal Year 2020-2021," are presented for informational purposes only. The projects are subject to recommendation and approval procedures involving the: higher education institutions and their governing boards, the Tennessee Higher Education Commission, Finance and Administration, the Tennessee State School Bond Authority, the State Funding Board, and the State Building Commission.

The following proposed capital outlay projects, to be funded from school bonds, institutional/auxiliary and other funds, are in addition to those projects listed on pages A-137 and A-138 in the 2020-2021 Budget Document and in Section 29, Item 29 of Chapter 651, Public Acts of 2020:

University of Tennessee Health Science Center, Memphis Bioworks Acquisition, in the amount of \$ 14,450,000.

SECTION 7. In the fiscal year ending on June 30, 2020, the sum of \$15,000,000 shall be transferred from the reserve for future tax relief, created or referenced in Section 61, Item 15 of Chapter 405, Public Acts of 2019, to the general fund.

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

SECTION 8. Pursuant to the provisions of Tennessee Code Annotated, Section 49-3-307, the dollar value of the BEP instructional positions component shall be forty-eight thousand, three hundred thirty dollars (\$48,330) as amended by Section 5, Item 1 of this act.

SECTION 9. Carry-forward and Appropriation of Certain Unexpended Balances. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it. Subject to the availability of funding at June 30, 2020, any unexpended balances of appropriations made under Chapter 405, Public Acts of 2019, other acts of this General Assembly or acts by previous General Assemblies, listed in this section are hereby reappropriated to be expended in the 2020-2021 fiscal year and such appropriations shall be carried forward in a reserve into the fiscal year beginning July 1, 2020. The reappropriation and carry-forward of these funds is subject to approval by the Commissioner of Finance and Administration. Unless otherwise noted, the unexpended balances reappropriated are authorized under Chapter 405, Public Acts of 2019, and they are the appropriations made:

Item 1. To the Department of General Services, in Section 38, Item 3.1, of Chapter 651, Public Acts of 2020, for Facility Assessment – Tennessee State University.

Item 2. To Miscellaneous Appropriations, in Section 56, Item 1-35, for Consulting/Study – Governor's Efficiency Initiatives.

**LEGISLATIVE ADJUSTMENTS**

SECTION 10. For the purpose of reducing authorized and funded positions that are vacant, appropriations for such positions across executive branch departments and agencies in Chapter 651, Public Acts of 2020, hereby are reduced \$20,000,000 (recurring) in fiscal year 2020-2021; provided, that positions shall not be reduced from the Department of Intellectual and Developmental Disabilities. It is the legislative intent that the Commissioner of Finance and Administration is authorized to make appropriate reductions in positions authorizations and to adjust federal and other funds accordingly. The Commissioner of Finance and Administration shall report to the Speakers of the Senate and the House of /s/ Representatives, the chairs of the Senate and House Finance, Ways and Means Committees, and the directors of the Office of Legislative Budget Analysis all such department and agency reductions by December 31, 2020.

SECTION 11. In addition to funds previously appropriated in Title III-22, Item 10.33 – Grants to Cities and Title III-22, Item 10.34 – Grants to Counties, in Section 1 of Chapter 651, Public Acts of 2020, there is appropriated the sum of \$10,500,000 to counties and municipalities to be distributed as grants and used for the same purposes provided in such previous appropriation and for the additional purpose and in the manner provided in this section. Notwithstanding any provisions of Title III-22, Section 1, of Chapter 651, Public Acts of 2020 to the contrary, the grants made from the funds appropriated in this section and Title III-22, Item 10.33 – Grants to Cities and Title III-22, Item 10.34 – Grants to Counties, in Section 1 of Chapter 651, Public Acts of 2020, may be used for the purpose of offsetting the loss of local revenue or supplementing local revenue. Additionally, municipalities and counties shall not be required to file a plan of the use of the grant funds or resolution from the local governing body requesting use of the grant funds for any of the purposes provided in Title III-22, Section 1, of Chapter 651, Public Acts of 2020, or in this section. Such grants are limited to a maximum payment of \$10,000,000 per municipality or county, with excess grant funds to municipalities and counties pooled separately and distributed to counties. Grants shall be distributed to

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

municipalities and counties no later than July 31, 2020, and according to the following schedules:

	County	Appropriation
1	Anderson	\$ 1,370,764
2	Bedford	\$ 1,103,883
3	Benton	\$ 784,390
4	Bledsoe	\$ 1,191,517
5	Blount	\$ 1,904,325
6	Bradley	\$ 1,664,886
7	Campbell	\$ 1,011,936
8	Cannon	\$ 767,644
9	Carroll	\$ 899,491
10	Carter	\$ 1,174,998
11	Cheatham	\$ 1,020,260
12	Chester	\$ 795,009
13	Claiborne	\$ 935,823
14	Clay	\$ 1,123,076
15	Cocke	\$ 1,395,919
16	Coffee	\$ 1,168,668
17	Crockett	\$ 766,340
18	Cumberland	\$ 1,207,304
19	Davidson	\$ 0
20	Decatur	\$ 740,843
21	DeKalb	\$ 822,841
22	Dickson	\$ 1,146,748
23	Dyer	\$ 989,928
24	Fayette	\$ 1,020,922
25	Fentress	\$ 1,225,183
26	Franklin	\$ 1,034,370
27	Gibson	\$ 1,103,951
28	Giles	\$ 913,912
29	Grainger	\$ 852,082
30	Greene	\$ 1,298,852
31	Grundy	\$ 1,177,816
32	Hamblen	\$ 1,254,914
33	Hamilton	\$ 4,169,547
34	Hancock	\$ 1,111,717
35	Hardeman	\$ 1,293,286

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

36	Hardin	\$ 877,669
37	Hawkins	\$ 1,176,739
38	Haywood	\$ 795,584
39	Henderson	\$ 897,808
40	Henry	\$ 941,676
41	Hickman	\$ 870,734
42	Houston	\$ 707,361
43	Humphreys	\$ 806,777
44	Jackson	\$ 1,162,372
45	Jefferson	\$ 1,152,253
46	Johnson	\$ 799,890
47	Knox	\$ 5,151,760
48	Lake	\$ 1,120,099
49	Lauderdale	\$ 1,299,169
50	Lawrence	\$ 1,052,303
51	Lewis	\$ 744,538
52	Lincoln	\$ 958,781
53	Loudon	\$ 1,142,935
54	McMinn	\$ 1,145,183
55	McNairy	\$ 1,299,237
56	Macon	\$ 862,974
57	Madison	\$ 1,576,177
58	Marion	\$ 904,889
59	Marshall	\$ 954,560
60	Maury	\$ 1,544,425
61	Meigs	\$ 746,677
62	Monroe	\$ 1,077,809
63	Montgomery	\$ 2,629,789
64	Moore	\$ 689,351
65	Morgan	\$ 1,257,877
66	Obion	\$ 921,341
67	Overton	\$ 841,608
68	Perry	\$ 1,126,449
69	Pickett	\$ 676,427
70	Polk	\$ 791,333
71	Putnam	\$ 1,393,723
72	Rhea	\$ 948,348
73	Roane	\$ 1,143,773
74	Robertson	\$ 1,317,572
75	Rutherford	\$ 3,786,436
76	Scott	\$ 1,262,352

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

77	Sequatchie	\$ 771,670
78	Sevier	\$ 1,578,968
79	Shelby	\$ 5,000,000
80	Smith	\$ 820,935
81	Steward	\$ 758,881
82	Sullivan	\$ 2,160,266
83	Sumner	\$ 2,446,959
84	Tipton	\$ 1,225,858
85	Trousdale	\$ 734,094
86	Unicoi	\$ 799,724
87	Union	\$ 818,464
88	Van Buren	\$ 683,069
89	Warren	\$ 1,024,529
90	Washington	\$ 1,877,659
91	Wayne	\$ 1,209,051
92	Weakley	\$ 951,954
93	White	\$ 890,613
94	Williamson	\$ 2,880,481
95	Wilson	\$ 1,994,531
	Total (Counties)	\$ 119,627,610.00

	Municipality	Appropriation
1	Adams	\$ 44,742
2	Adamsville	\$ 77,932
3	Alamo	\$ 80,802
4	Alcoa	\$ 261,696
5	Alexandria	\$ 52,090
6	Algood	\$ 127,520
7	Allardt	\$ 43,726
8	Altamont	\$ 52,686
9	Ardmore	\$ 57,100
10	Arlington	\$ 288,134
11	Ashland City	\$ 133,612
12	Athens	\$ 335,802
13	Atoka	\$ 237,378
14	Atwood	\$ 50,370
15	Auburntown	\$ 35,782

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

16	Baileyton	\$	39,776
17	Baneberry	\$	41,564
18	Bartlett	\$	1,338,990
19	Baxter	\$	63,014
20	Bean Station	\$	98,456
21	Beersheba Springs	\$	40,108
22	Bell Buckle	\$	41,940
23	Belle Meade	\$	93,580
24	Bells	\$	84,244
25	Benton	\$	58,050
26	Berry Hill	\$	41,410
27	Bethel Springs	\$	45,890
28	Big Sandy	\$	41,564
29	Blaine	\$	71,246
30	Bluff City	\$	66,744
31	Bolivar	\$	138,952
32	Braden	\$	35,782
33	Bradford	\$	51,848
34	Brentwood	\$	967,954
35	Brighton	\$	94,462
36	Bristol	\$	623,222
37	Brownsville	\$	238,392
38	Bruceton	\$	61,072
39	Bulls Gap	\$	45,824
40	Burlison	\$	39,070
41	Burns	\$	61,888
42	Byrdstown	\$	47,610
43	Calhoun	\$	40,968
44	Camden	\$	108,894
45	Carthage	\$	80,272
46	Caryville	\$	77,778
47	Cedar Hill	\$	36,908
48	Celina	\$	62,176
49	Centertown	\$	35,540
50	Centerville	\$	108,762
51	Chapel Hill	\$	63,610
52	Charlestown	\$	45,228
53	Charlotte	\$	63,522
54	Chattanooga	\$	4,014,616
55	Church Hill	\$	177,396
56	Clarksburg	\$	38,342

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

57	Clarksville	\$	3,490,202
58	Cleveland	\$	1,022,508
59	Clifton	\$	88,878
60	Clinton	\$	251,302
61	Coalmont	\$	48,538
62	Collegedale	\$	283,610
63	Collierville	\$	1,147,018
64	Collinwood	\$	50,832
65	Columbia	\$	898,968
66	Cookeville	\$	780,438
67	Coopertown	\$	130,500
68	Copperhill	\$	37,018
69	Cornersville	\$	57,740
70	Cottage Grove	\$	31,898
71	Covington	\$	223,762
72	Cowan	\$	66,744
73	Crab Orchard	\$	46,838
74	Cross Plains	\$	70,010
75	Crossville	\$	284,980
76	Crump	\$	62,286
77	Cumberland City	\$	36,798
78	Cumberland Gap	\$	40,792
79	Dandridge	\$	99,406
80	Dayton	\$	193,152
81	Decatur	\$	66,346
82	Decaturville	\$	49,000
83	Decherd	\$	82,546
84	Dickson	\$	373,892
85	Dover	\$	62,662
86	Dowelltown	\$	38,718
87	Doyle	\$	42,534
88	Dresden	\$	94,616
89	Ducktown	\$	40,416
90	Dunlap	\$	142,990
91	Dyer	\$	78,904
92	Dyersburg	\$	391,680
93	Eagleville	\$	45,492
94	East Ridge	\$	493,968
95	Eastview	\$	45,602
96	Elizabethton	\$	327,858
97	Elkton	\$	41,674

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

98	Englewood	\$	63,632
99	Enville	\$	34,126
100	Erin	\$	58,512
101	Erwin	\$	159,166
102	Estill Springs	\$	74,754
103	Ethridge	\$	40,726
104	Etowah	\$	106,842
105	Fairview	\$	228,594
106	Farragut	\$	536,604
107	Fayetteville	\$	184,854
108	Finger	\$	36,356
109	Forest Hills	\$	137,386
110	Franklin	\$	1,815,648
111	Friendship	\$	44,830
112	Friendsville	\$	49,664
113	Gadsden	\$	40,196
114	Gainesboro	\$	50,854
115	Gallatin	\$	922,824
116	Gallaway	\$	44,278
117	Garland	\$	36,664
118	Gates	\$	43,792
119	Gatlinburg	\$	121,452
120	Germantown	\$	892,854
121	Gibson	\$	38,740
122	Gilt Edge	\$	40,064
123	Gleason	\$	60,300
124	Goodlettsville	\$	402,052
125	Gordonsville	\$	57,276
126	Grand Junction	\$	35,958
127	Graysville	\$	64,404
128	Greenback	\$	56,394
129	Greenbrier	\$	180,926
130	Greeneville	\$	358,776
131	Greenfield	\$	75,858
132	Gruetli-Laager	\$	68,134
133	Guys	\$	39,820
134	Halls	\$	76,278
135	Harriman	\$	165,610
136	Harrogate	\$	125,710
137	Hartsville / Trousdale County Metro	\$	273,000
138	Henderson	\$	169,362

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

139	Hendersonville	\$	1,300,614
140	Henning	\$	50,612
141	Henry	\$	40,262
142	Hickory Valley	\$	32,052
143	Hohenwald	\$	111,366
144	Hollow Rock	\$	44,962
145	Hornbeak	\$	38,740
146	Hornsby	\$	35,804
147	Humboldt	\$	210,940
148	Huntingdon	\$	114,412
149	Huntland	\$	48,582
150	Huntsville	\$	57,298
151	Jacksboro	\$	72,636
152	Jackson	\$	1,506,446
153	Jamestown	\$	73,254
154	Jasper	\$	104,106
155	Jefferson City	\$	210,940
156	Jellico	\$	78,088
157	Johnson	\$	1,503,688
158	Jonesborough	\$	150,030
159	Kenton	\$	56,592
160	Kimball	\$	61,360
161	Kingsport	\$	1,223,374
162	Kingston	\$	158,548
163	Kingston Springs	\$	90,666
164	Knoxville	\$	4,167,836
165	La Follette	\$	178,676
166	La Grange	\$	32,824
167	La Vergne	\$	820,470
168	Lafayette	\$	145,132
169	Lake	\$	68,994
170	Lakeland	\$	308,438
171	Lakesite	\$	71,026
172	Lawrenceburg	\$	269,178
173	Lebanon	\$	803,500
174	Lenoir	\$	235,348
175	Lewisburg	\$	297,338
176	Lexington	\$	200,280
177	Liberty	\$	37,238
178	Linden	\$	50,722
179	Livingston	\$	118,716

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

180	Lobelville	\$	49,596
181	Lookout Mountain	\$	71,180
182	Loretto	\$	69,260
183	Loudon	\$	158,196
184	Louisville	\$	121,120
185	Luttrell	\$	53,370
186	Lynchburg / Moore County Metro	\$	165,000
187	Lynnville	\$	36,664
188	Madisonville	\$	138,732
189	Manchester	\$	270,900
190	Martin	\$	263,750
191	Maryville	\$	674,222
192	Mason	\$	64,272
193	Maury City	\$	44,676
194	Maynardville	\$	82,832
195	McEwen	\$	68,244
196	McKenzie	\$	150,936
197	McLemoresville	\$	37,348
198	McMinnville	\$	332,074
199	Medina	\$	123,702
200	Medon	\$	33,972
201	Memphis	\$	10,000,000
202	Michie	\$	42,822
203	Middletown	\$	44,234
204	Milan	\$	198,604
205	Milledgeville	\$	35,760
206	Millersville	\$	179,646
207	Millington	\$	265,802
208	Minor Hill	\$	41,718
209	Mitchellville	\$	34,260
210	Monteagle	\$	57,122
211	Monterey	\$	93,580
212	Morrison	\$	45,712
213	Morristown	\$	690,420
214	Moscow	\$	42,424
215	Mosheim	\$	81,618
216	Mount Carmel	\$	147,074
217	Mount Juliet	\$	818,396
218	Mount Pleasant	\$	137,980
219	Mountain City	\$	83,362
220	Munford	\$	163,734

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

221	Murfreesboro	\$	3,149,244
222	Nashville Davidson Metro	\$	10,000,000
223	New Hope	\$	53,216
224	New Johnsonville	\$	72,040
225	New Market	\$	60,212
226	New Tazewell	\$	89,938
227	Newbern	\$	103,090
228	Newport	\$	180,088
229	Niota	\$	46,022
230	Nolensville	\$	228,880
231	Normandy	\$	33,288
232	Norris	\$	65,464
233	Oak Hill	\$	130,478
234	Oak Ridge	\$	672,390
235	Oakdale	\$	34,590
236	Oakland	\$	209,152
237	Obion	\$	53,194
238	Oliver Springs	\$	105,386
239	Oneida	\$	111,940
240	Orlinda	\$	50,546
241	Orme	\$	32,494
242	Palmer	\$	44,654
243	Paris	\$	251,942
244	Parker's Crossroads	\$	36,864
245	Parrottsville	\$	36,378
246	Parsons	\$	80,978
247	Pegram	\$	75,902
248	Petersburg	\$	42,402
249	Philadelphia	\$	45,668
250	Pigeon Forge	\$	169,560
251	Pikeville	\$	65,840
252	Pipertown	\$	70,430
253	Pittman Center	\$	42,624
254	Plainview	\$	76,896
255	Pleasant Hill	\$	42,534
256	Pleasant View	\$	131,978
257	Portland	\$	312,984
258	Powells Crossroads	\$	59,836
259	Pulaski	\$	198,868
260	Puryear	\$	44,720
261	Ramer	\$	36,554

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

262	Red Bank	\$	289,636
263	Red Boiling Springs	\$	55,070
264	Ridgely	\$	66,568
265	Ridgeside	\$	39,534
266	Ridgetop	\$	76,432
267	Ripley	\$	203,878
268	Rives	\$	36,886
269	Rockford	\$	48,692
270	Rockwood	\$	150,318
271	Rogersville	\$	124,828
272	Rossville	\$	50,148
273	Rutherford	\$	53,724
274	Rutledge	\$	59,682
275	Saltillo	\$	41,696
276	Samburg	\$	34,458
277	Sardis	\$	38,386
278	Saulsbury	\$	32,030
279	Savannah	\$	183,288
280	Scotts Hill	\$	51,582
281	Selmer	\$	127,102
282	Sevierville	\$	394,814
283	Sharon	\$	50,258
284	Shelbyville	\$	512,504
285	Signal Mountain	\$	219,060
286	Silerton	\$	32,228
287	Slayden	\$	34,546
288	Smithville	\$	135,774
289	Smyrna	\$	1,150,526
290	Sneedville	\$	59,484
291	Soddy Daisy	\$	332,714
292	Somerville	\$	100,642
293	South Carthage	\$	60,410
294	South Fulton	\$	79,278
295	South Pittsburg	\$	96,602
296	Sparta	\$	139,128
297	Spencer	\$	66,236
298	Spring City	\$	71,158
299	Spring Hill	\$	945,046
300	Springfield	\$	404,214
301	St. Joseph	\$	47,898
302	Stanton	\$	39,334

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

303	Stantonville	\$	35,914
304	Sunbright	\$	41,718
305	Surgoinsville	\$	69,194
306	Sweetwater	\$	159,498
307	Tazewell	\$	80,074
308	Tellico Plains	\$	50,148
309	Tennessee Ridge	\$	59,328
310	Thompson Station	\$	164,926
311	Three Way	\$	67,052
312	Tiptonville	\$	125,048
313	Toone	\$	37,460
314	Townsend	\$	39,776
315	Tracy City	\$	60,808
316	Trenton	\$	119,400
317	Trezevant	\$	48,670
318	Trimble	\$	43,572
319	Troy	\$	59,262
320	Tullahoma	\$	457,466
321	Tusculum	\$	91,548
322	Unicoi	\$	108,938
323	Union City	\$	259,534
324	Vanleer	\$	39,158
325	Viola	\$	32,936
326	Vonore	\$	63,830
327	Walden	\$	77,270
328	Wartburg	\$	49,840
329	Wartrace	\$	45,162
330	Watauga	\$	38,232
331	Watertown	\$	63,434
332	Waverly	\$	120,040
333	Waynesboro	\$	81,220
334	Westmoreland	\$	83,428
335	White Bluff	\$	109,578
336	White House	\$	305,988
337	White Pine	\$	81,816
338	Whiteville	\$	128,978
339	Whitwell	\$	68,024
340	Williston	\$	38,342
341	Winchester	\$	222,326
342	Winfield	\$	52,112
343	Woodbury	\$	92,896

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

344	Woodland Mills	\$	37,878
345	Yorkville	\$	35,672
	Total (Municipalities)	\$	90,810,374

**LEGISLATIVE INITIATIVES**

SECTION 13. It is the legislative intent that institutions of higher education identified in Section 4 of Senate Bill 2935 / House Bill 2930, relative to bond issuance, be authorized to proceed with the capital improvement projects identified in such legislation through bonds issued, if such bill becomes a law.

SECTION 14. The provisions of this section shall take effect upon becoming law, the public welfare requiring it.

Item 1. To municipalities and counties, \$200,000 is hereby appropriated to supplement the appropriation made in Section 42, Item 2, Chapter 405, Public Acts of 2019. Such funds shall be used to fund the state share of the cost of any law of general application which requires, without local discretion, that incorporated municipalities or county governments increase expenditures as a direct consequence of passage of any general law during the 2019 annual session of the 111th General Assembly.

Item 2. To municipalities and counties, \$100,000 is hereby appropriated to supplement the appropriation made in Section 42, Item 2, Chapter 651, Public Acts of 2020. Such funds shall be used to fund the state share of the cost of any law of general application which requires, without local discretion, that incorporated municipalities or county governments increase expenditures as a direct consequence of passage of any general law during the 2020 annual session of the 111th General Assembly.

It is the legislative intent that such funds appropriated by this section be divided and distributed to the various municipalities and counties as follows: fifty percent (50%) to municipalities on the basis of population and fifty percent (50%) to counties on the basis of population.

SECTION 15. It is hereby recognized that Senate Bill 2734 / House Bill 2517, relative to drug-free school zones, will result in a savings in fiscal year 2020-2021 of \$3,500,000 recurring in the Department of Correction, State Prosecutions Account, and of \$3,500,000 recurring in the Department of Correction, Sentencing Act of 1985 Account (with a restoration of \$1,500,000 non-recurring to such account), if such bill becomes a law.

**SECTION 16.**

Item 1. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of funding any joint resolution calling for an amendment to the Tennessee constitution that is not otherwise funded in this act.

Item 2. From reserves available to the State Museum, there is earmarked the sum of \$30,000 for the sole purpose of implementing House Bill 2131 / Senate Bill 2301,

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

relative to the designating of the Tennessee State Museum located at 1000 Rosa L. Parks Boulevard as the "Bill Haslam Center", if such bill becomes a law.

Item 3. From appropriations made pursuant to Section 1, Title III-15, Item 1, Chapter 460, Public Acts of 2017, for tuition assistance, and from reserves available to the Department of Military, there is earmarked the sum of \$100,000 for the sole purpose of implementing House Bill 2246 / Senate Bill 2177, relative to the extension of eligibility for tuition reimbursement provided to members of the Tennessee National Guard under the STRONG Act of 2017, if such bill becomes a law.

Item 4. From federal funds available pursuant to the Child Care Development Funds block grant to the Department of Human Services, there is earmarked the sum of \$54,300 for the sole purpose of implementing House Bill 2168 / Senate Bill 2253, relative to the creation of the Tennessee Child Care Task Force, if such bill becomes a law.

Item 5. From funds available to the Tennessee Bureau of Investigation, there is earmarked the sum of \$1,579,300 (of which \$1,033,400 is recurring and of which \$545,900 is nonrecurring) for the sole purpose of funding the hiring of six (6) additional Special Agent Field Agents and two (2) additional Special Agent Forensic Scientists. The Tennessee Bureau of Investigation is authorized to hire qualified personnel to fill these positions.

Item 6. From funds available to the General Assembly, there is earmarked a sum sufficient for the sole purpose of funding expenses for meetings of members of the General Assembly Study Committee on Land-grant Institution Funding. The study committee is to be comprised of three members of the Senate and three members of the House of /s/ Representatives, to be appointed by the Speakers of the Senate and the House of /s/ Representatives, respectively. The purpose of the committee is to study inequities of prior years' federal and state funding for land-grant institutions of higher education, including Tennessee State University, and the effects and impacts of such funding, including as it relates to the maintenance and operation of such institutions. Any expense payment is subject to approval by the Speaker of the House of /s/ Representatives and the Speaker of the Senate in accordance with Tennessee Code Annotated, Section 3-1-106.

**SECTION 17.**

Item 1. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$177,900 (recurring) to the Department of Health for the sole purpose of implementing House Bill 2350 / Senate Bill 2312, relative to revisions to healthcare certificate of need (CON) requirements, if such bill becomes a law.

Item 2. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$25,000 (nonrecurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Historical Society, to be used for costs related to the celebration and documentation of the women's suffrage centennial.

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

Item 3. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$174,000 (nonrecurring) to the Department of Economic and Community Development for the sole purpose of providing funding for the state's nine (9) development districts.

Item 4. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$400,000 (nonrecurring) to the Office of the Attorney General for the sole purpose of establishing or increasing oversight of the state employee health plan in cooperation with the Comptroller of the Treasury and third parties designated by the Office of the Attorney General and the Comptroller. The procurement of services provided by a third party shall be in accordance with the procurement process established in Tennessee Code Annotated, Title 12, Chapter 3, and administered in accordance with Title 4, Chapter 56.

SECTION 18. The Tennessee Code Commission is requested to place an appropriate, permanent note following the codification of any public act which is codified and which has not received constitutionally required first year's funding through the provisions of this act.

SECTION 19. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 20. This act shall take effect July 1, 2020, the public welfare requiring it; provided, however, that any provision of this act which authorizes prior or immediate expenditures and any section or item which specifies an immediate effective date shall take effect upon becoming a law, the public welfare requiring it.

AND FURTHER AMEND by requesting the Engrossing Clerk to:

- (1) Delete the bold underlined explanatory headings in this amendment; and
- (2) Exclude this paragraph from the engrossed bill

/s/ Senator Bo Watson

/s/ Representative Susan M. Lynn

/s/ Senator Ferrell Haile

/s/ Representative Patsy Hazlewood

/s/ Senator Jack Johnson

/s/ Representative William Lamberth

/s/ Senator John Stevens

/s/ Representative Matthew Hill

/s/ Senator Ken Yager

/s/ Representative Gary Hicks

/s/ Senator Brenda Gilmore

/s/ Representative Harold Love

/s/ Representative Rick Staples

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

Rep. Marsh moved the previous question, which motion prevailed.

Rep. Lamberth moved that the Report of the Conference Committee on **Senate Bill No. 2931** be adopted and made the action of the house, which motion prevailed by the following vote:

Ayes ..... 72  
Noes..... 18  
Present and not voting..... 2

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Casada, Cepicky, Cochran, Coley, Crawford, Curcio, Daniel, DeBerry, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Holsclaw, Holt, Howell, Hulse, Hurt, Johnson C, Keisling, Kumar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Moody, Moon, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Tillis, Todd, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--72

Representatives voting no were: Beck, Chism, Clemmons, Dixie, Freeman, Hakeem, Hardaway, Hodges, Johnson G, Miller, Mitchell, Parkinson, Powell, Staples, Stewart, Thompson, Towns, Windle--18

Representatives present and not voting were: Lamar, Ogles--2

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE  
June 18, 2020**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 2932. The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**HOUSE ACTION ON SENATE MESSAGES**

**Senate Bill No. 2932** -- Budget Procedures - As introduced, authorizes grant payments under the grant assistance program for nursing home care to be made either monthly or quarterly. - Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 10; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 33; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 42; Title 43; Title 44; Title 45; Title 47; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 61; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 71. by \*Johnson, \*Stevens. (HB2924 by \*Lamberth, \*Gant, \*Lynn, \*Hicks, \*Hill M, \*Hazlewood, \*White)

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL NO. 2932**

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 2932 (House Bill No. 2924) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-3-1016(d), is amended by deleting the language "June 30, 2011 and June 30, 2014," and substituting instead the language "June 30, 2011, June 30, 2014, June 30, 2020, and June 30, 2021,".

SECTION 2. Tennessee Code Annotated, Section 4-3-1016(e), is amended by deleting the language "and June 30, 2011" and substituting instead the language "June 30, 2011, June 30, 2020, and June 30, 2021".

SECTION 3. Tennessee Code Annotated, Section 4-3-1016(i), is amended by deleting the language "In the fiscal year ending June 30, 2018" and substituting instead the language "In the fiscal years ending June 30, 2018, June 30, 2020, and June 30, 2021".

SECTION 4. Tennessee Code Annotated, Section 4-3-1016, is further amended by adding the following new subsection (j):

(j) In the fiscal years ending June 30, 2020, and June 30, 2021, in addition to the transfers authorized in subsections (d) and (k), transfers are authorized from the following additional funds, reserve accounts, and programs:

(1) Attorney general and reporter, litigation settlement funds reserve, except as otherwise provided by law;

(2) District attorneys general conference, district attorneys expunction fund, created or referenced in title 40, chapter 32, part 1;

(3) District public defenders conference, public defenders expunction fund, created or referenced in title 40, chapter 32, part 1;

(4) Tennessee public utility commission, underground damage prevention fund, created or referenced in title 65, chapter 31, part 1;

(5) Tennessee arts commission, reserve for new specialty earmarked license plates, created or referenced in title 55, chapter 4, part 3;

(6) Department of finance and administration, office of inspector general reserve, created or referenced in title 71, chapter 5, part 25;

(7) Department of finance and administration, victim notification fund, created or referenced in title 67, chapter 4, part 6;

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

(8) Department of finance and administration, horse trailer specialty license plate reserve, created or referenced in title 55, chapter 4, part 3;

(9) Bureau of TennCare, Cover Tennessee litigation settlement reserve, except as otherwise provided by law;

(10) Department of agriculture, animal population specialty license plate reserve, created or referenced in title 55, chapter 4, part 2;

(11) Department of agriculture, agricultural specialty earmarked license plate reserve, created or referenced in title 55, chapter 4, part 2;

(12) Department of environment and conservation, state parks specialty license plate reserve, created or referenced in title 55, chapter 4, part 2;

(13) Department of environment and conservation, state parks Ocoee River recreation and economic development fund, created or referenced in title 11, chapter 8, part 1;

(14) Department of environment and conservation, Tennessee historical commission, Tennessee Civil War or War Between the States site preservation fund, created or referenced in chapter 11, part 1 of this title;

(15) Department of environment and conservation, Tennessee historical commission, historic property land acquisition fund, created or referenced in chapter 11, part 1 of this title;

(16) Department of environment and conservation, tire environmental fund, created or referenced in title 68, chapter 211, part 3;

(17) Department of environment and conservation, state parks birds of prey specialty license plate reserve, created or referenced in title 55, chapter 4, part 2;

(18) Tennessee wildlife resources agency, wildlife resources fund, created or referenced in title 70, chapter 1, part 4;

(19) Tennessee wildlife resources agency, boating safety act reserve, created or referenced in title 69, chapter 9, part 2;

(20) Department of education, energy efficient schools initiative reserve, created or referenced in title 49, chapter 17, part 1;

(21) Tennessee higher education commission, postsecondary licensure fee reserve, created or referenced in title 49, chapter 7, part 20;

(22) Attorney general and reporter, consumer affairs division reserve, created or referenced in title 40, chapter 33, part 2;

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

(23) Department of commerce and insurance, reduced cigarette ignition propensity and firefighter protection act enforcement fund, created or referenced in title 68, chapter 102, part 5;

(24) Tennessee corrections institute, local correctional officer training fund, created or referenced in title 41, chapter 7, part 1;

(25) Department of commerce and insurance, cemetery consumer protection account reserve, created or referenced in title 46, chapter 1, part 1;

(26) Department of commerce and insurance, pre-need funeral consumer protection account reserve, created or referenced in title 62, chapter 5, part 4;

(27) Department of commerce and insurance, securities industry education and enforcement fees, created or referenced in title 48, chapter 1, part 1;

(28) Department of commerce and insurance, insurance industry education and enforcement fees, created or referenced in title 56, chapter 53, part 1;

(29) Department of commerce and insurance, closed estate fund, created or referenced in title 56, chapter 9, part 3;

(30) Department of military, station commander's upkeep and maintenance fund, created or referenced in title 58, chapter 1, part 5;

(31) Department of health, St. Jude Children's Research Hospital specialty license plate reserve, created or referenced in title 55, chapter 4, part 2;

(32) Department of safety, electronic citation fee reserve, created or referenced in title 55, chapter 10, part 2;

(33) Department of environment and conservation, underground storage tank settlement funds, except as otherwise provided by law;

(34) Department of environment and conservation, solid waste settlement funds, except as otherwise provided by law;

(35) Department of environment and conservation, superfund settlement funds, except as otherwise provided by law;

(36) Department of environment and conservation, leaking underground storage tank settlement funds, except as otherwise provided by law;

(37) Court system, access to justice program reserve, created or referenced in Supreme Court Rule 50 and title 16, chapter 1, part 1;

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

(38) Court system, board of professional responsibility reserve, created or referenced in Supreme Court Rule 9 and title 16, chapter 1, part 1;

(39) Court system, Tennessee lawyers assistance program reserve, created or referenced in Supreme Court Rule 33 and title 16, chapter 1, part 1;

(40) Court system, commission on continuing legal education program reserve, created or referenced in Supreme Court Rule 21 and title 16, chapter 1, part 1;

(41) Court system, judicial commissioner continuing education account reserve, created or referenced in title 67, chapter 4, part 6;

(42) District attorneys general conference, fraud and economic crimes reserve, created or referenced in title 40, chapter 3, part 2;

(43) State treasurer, state pooled investment fund administrative reserve, created or referenced in title 9, chapter 4, part 6;

(44) State treasurer, educator liability fund, created or referenced in title 9, chapter 8, part 2;

(45) Department of correction, TDOC confiscated cash fund, created, or referenced in title 4, chapter 6, part 1;

(46) Public defenders conference, indigent defense local litigation tax reserve, created or referenced in title 40, chapter 14, part 2;

(47) Secretary of state, fantasy sports fund, created or referenced in title 47, chapter 18, part 16;

(48) State treasurer, financial literacy program reserve, created or referenced in title 49, chapter 6, part 17;

(49) State treasurer, electronic monitoring indigency fund, created or referenced in title 55, chapter 10, part 4;

(50) Department of finance and administration, electronic monitoring indigency fund, created or referenced in title 55, chapter 10, part 4;

(51) Department of finance and administration, child abuse fund, created or referenced in title 39, chapter 13, part 5;

(52) Department of finance and administration, anti-human trafficking fund, created or referenced in title 39, chapter 13, part 3;

(53) TennCare, maintenance of coverage trust fund, created or referenced in title 71, chapter 5, part 1;

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

(54) TennCare, nursing home assessment trust fund, created or referenced in title 71, chapter 5, part 10;

(55) Department of environment and conservation, settlement funds from *Lenoir v. Porters Creek Watershed District*, 586 F.2d 1081 (1978), except as otherwise provided by law;

(56) Department of environment and conservation, state lands acquisition compensation fund, created or referenced in title 67, chapter 4, part 4;

(57) Department of environment and conservation, settlement funds from *Tennessee v. Roane Holdings, Ltd.*, 835 F.Supp.2d 527 (2011), except as otherwise provided by law;

(58) Department of correction, Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004 reserve, created or referenced in title 40, chapter 39, part 2;

(59) Department of commerce and insurance, Professional Employee Organization Act reserve, created or referenced in title 62, chapter 43, part 1;

(60) Department of labor and workforce development, employee misclassification education and enforcement fund, created or referenced in title 50, chapter 6, part 9;

(61) Department of health, trauma system fund, created or referenced in title 68, chapter 59, part 1; and

(62) Department of revenue, uninsured motorist identification restricted fund, created or referenced in title 55, chapter 12, part 2.

SECTION 5. Tennessee Code Annotated, Title 67, Chapter 6, Part 5, is amended by adding the following new sections:

67-6-543.

(a) Dealers with a physical presence in this state shall register with the department to collect and remit tax in accordance with this chapter.

(b) Dealers with no physical presence in this state shall register with the department to collect and remit tax in accordance with this chapter if the dealer engages in the regular or systematic solicitation of consumers in this state through any means and made sales that exceeded one hundred thousand dollars (\$100,000) to consumers in this state during the previous twelve-month period. Such dealers shall begin to collect and remit the tax by the first day of the third calendar month following the month in which this threshold was met; provided, however, that this subsection (b) does not require a dealer to collect the tax for sales made before October 1, 2020.

67-6-544.

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

The general assembly finds that the sales threshold standard required by § 67-6-543(b) matches the benchmark established by South Dakota that was analyzed and found to support it being upheld as constitutional by the supreme court of the United States in *South Dakota v. Wayfair*, 138 S.Ct. 2080 (2018).

67-6-545.

Section 67-6-543 does not change the substantial nexus criteria for determining when a person is required to pay the business tax under § 67-4-717, excise tax under § 67-4-2007, or franchise tax under § 67-4-2105.

SECTION 6. Tennessee Code Annotated, Section 67-6-501(a), is amended by deleting the language "Every dealer making sales" and substituting instead the language "Except as otherwise provided in § 67-6-543(b), every dealer making sales".

SECTION 7. Tennessee Code Annotated, Section 67-6-501(f)(1), is amended by deleting the following language:

The marketplace facilitator made or facilitated total sales to consumers in this state of five hundred thousand dollars (\$500,000) or less during the previous twelve-month period;

and substituting instead the following:

The marketplace facilitator made or facilitated total sales to consumers in this state of one hundred thousand dollars (\$100,000) or less during the previous twelve-month period;

SECTION 8. Tennessee Code Annotated, Section 67-6-509(a), is amended by deleting the language "An out-of-state person making sales in Tennessee, who cannot be required to register for sales and use tax under applicable law" and substituting instead the language "An out-of-state person making sales in Tennessee, who is not required to register for sales and use tax under applicable law".

SECTION 9. Tennessee Code Annotated, Section 67-4-3204(c), is amended by deleting the subsection in its entirety.

SECTION 10. Tennessee Code Annotated, Section 3-1-107(c), is amended by deleting the language "For the fiscal year beginning in 2005," and substituting instead the language "Except as provided in subdivision (c)(2), for the fiscal year beginning in 2005,".

SECTION 11. Tennessee Code Annotated, Section 3-1-107(c), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2) Notwithstanding this section to the contrary, beginning with the election of the One Hundred Twelfth General Assembly, the base salary of each member shall not be adjusted pursuant to subdivision (c)(1) for fiscal year 2020-2021.

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

SECTION 12. Tennessee Code Annotated, Section 4-3-1016(d), is amended by deleting subdivisions (46), (47), (48), (49), (50), and (60) and renumbering the remaining subdivisions accordingly.

SECTION 13. Tennessee Code Annotated, Section 4-3-1016, is amended by adding the following new subsections:

(k) In the fiscal years ending June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011 and June 30, 2014, transfers are authorized from the following funds, reserve accounts and programs:

(1) Department of commerce and insurance, state board of accountancy fund, created or referenced in title 62, chapter 1, part 1;

(2) Department of commerce and insurance, division of regulatory boards fund, created or referenced in title 56, chapter 1, part 3;

(3) Department of health, health-related boards fund, created or referenced in title 63, chapter 1, part 1;

(4) Department of commerce and insurance, real estate education and recovery education fund, created or referenced in title 62, chapter 13, part 2;

(5) Department of commerce and insurance, real estate education and recovery claims fund, created or referenced in title 62, chapter 13, part 2; and

(6) Department of commerce and insurance, auctioneer education and recovery account, created or referenced in title 62, chapter 19.

(l) In the fiscal years ending June 30, 2020, and June 30, 2021, transfers shall not be made from the following funds, reserve accounts or programs:

(1) Tennessee board of court reporting fund, created or referenced in title 20, chapter 9, part 6;

(2) Department of agriculture, beef promotion board reserve, created or referenced in title 43, chapter 29, part 1; and

(3) Department of agriculture, cotton growers' organization reserve, created or referenced in title 43, chapter 6, part 4.

SECTION 14. Tennessee Code Annotated, Section 9-4-5111, is amended by adding the following as a new subsection:

(c) During fiscal year 2020-2021, before requiring each head to set aside a reserve pursuant to subsection (a) or otherwise reserving allotments pursuant to this section, the commissioner of finance and administration shall submit written notice of the proposed reserve allotment to the speakers of the senate and the house of /s/ Representatives and to the chairs of the finance, ways and means committees of the

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

senate and house of /s/ Representatives. No such allotments shall be reserved until the speakers and chairs have acknowledged in writing receipt of such written notice. When submitted, a copy of the notice shall be provided to the fiscal review committee executive director and the office of legislative budget analysis directors for information purposes. A proposed reserve allotment shall not be acknowledged by the chairs during a time that the general assembly is in regular, annual session until each finance, ways and means committee has held a hearing on the proposed allotment, or the committees have held a joint hearing.

SECTION 15. Tennessee Code Annotated, Section 67-6-393, is amended by deleting subsections (a) and (b) and substituting instead the following:

(a) Any exemption provided by this section shall be known as a "sales tax holiday."

(b)

(1) There is exempt from the tax imposed by this chapter the following items of tangible personal property, if sold between 12:01 a.m. on the last Friday of July and 11:59 p.m. the following Sunday:

(A) Clothing with a sales price of one hundred dollars (\$100) or less per item;

(B) School supplies with a sales price of one hundred dollars (\$100) or less per item;

(C) School art supplies with a sales price of one hundred dollars (\$100) or less per item; and

(D) Computers with a sales price of one thousand five hundred dollars (\$1,500) or less per item.

(2) The exemption provided by this subsection (b) does not apply to the following:

(A) Computer software;

(B) Clothing accessories or equipment;

(C) Protective equipment;

(D) Sport or recreational equipment;

(E) School instructional material;

(F) School computer supplies;

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(G) Any item for use in a trade or business;

(H) The lease or rental of any item; or

(I) Video game consoles.

SECTION 16. Tennessee Code Annotated, Section 67-6-393, is amended by adding the following as new subsections:

(f)

(1) Notwithstanding subsection (b), there is exempt from the tax imposed by this chapter the following items of tangible personal property, if sold between 12:01 a.m. on Friday, July 31, 2020, and 11:59 p.m. on Sunday, August 2, 2020:

(A) Clothing with a sales price of two hundred dollars (\$200) or less per item;

(B) School supplies with a sales price of two hundred dollars (\$200) or less per item;

(C) School art supplies with a sales price of two hundred dollars (\$200) or less per item; and

(D) Electronic devices, including, but not limited to, computers and televisions, with a sales price of three thousand dollars (\$3,000) or less per item.

(2) The exemption provided by this subsection (f) does not apply to the following:

(A) Computer software;

(B) Clothing accessories or equipment;

(C) Protective equipment;

(D) Sport or recreational equipment;

(E) School instructional material;

(F) School computer supplies;

(G) Any item for use in a trade or business; or

(H) The lease or rental of any item.

**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

(g) There is exempt from the tax imposed by this chapter the retail sale of food and drink by restaurants and limited service restaurants, as defined in § 57-4-102, if sold between 12:01 a.m. on Friday, August 7, 2020, and 11:59 p.m. on Sunday, August 9, 2020.

SECTION 17. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 18. Sections 5, 6, 7, 8, and 9 shall take effect at 12:01 a.m. on October 1, 2020, the public welfare requiring it. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it.

/s/ Senator Bo Watson

/s/ Representative Susan M. Lynn

/s/ Senator Ferrell Haile

/s/ Representative Patsy Hazlewood

/s/ Senator Jack Johnson

/s/ Representative William Lamberth

/s/ Senator John Stevens

/s/ Representative Matthew Hill

/s/ Senator Ken Yager

/s/ Representative Gary Hicks

/s/ Senator Brenda Gilmore

/s/ Representative Harold Love

/s/ Representative Rick Staples

**EXCUSED**

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Lafferty

Representative Jernigan

**ACTION ON CONFERENCE COMMITTEE REPORT FOR SENATE BILL 2932, CONTINUED**

Rep. Lamberth moved that the Report of the Conference Committee on **Senate Bill No. 2932** be adopted and made the action of the house, which motion prevailed by the following vote:

Ayes .....	91
Noes.....	0
Present and not voting.....	1

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Casada, Cepicky, Chism, Clemmons, Cochran, Coley, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Grills, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--91

Representatives present and not voting were: Ogles--1

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE  
June 18, 2020**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 2935. The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**HOUSE ACTION ON SENATE MESSAGES**

**\*Senate Bill No. 2935** -- Bond Issues - As introduced, authorizes the state, acting by resolution of its funding board, to issue and sell its interest-bearing bonds and bond anticipation notes for certain purposes. by \*Johnson, \*Stevens. (HB2930 by \*Lamberth, \*Gant, \*Lynn, \*Hicks, \*Hill M, \*Hazlewood, \*White)

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL NO. 2935**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 2935 (House Bill No. 2930) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

by deleting all language immediately after the caption and substituting instead the following:

WHEREAS, the General Assembly recognizes the importance to the economic welfare and prosperity of the State of promoting economic growth, employment, and community development in the State and has in the past created the Department of Economic and Community Development to further such development and authorized the department to seek businesses to locate in the State; and

WHEREAS, the department intends to enter into agreements with Volkswagen Group of America Chattanooga Operations, LLC, to locate a new facility in Hamilton County; and

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

WHEREAS, this new facility will provide a substantial number of jobs and promote further economic growth, employment, and community development not only in Hamilton County but in the State as a whole; and

WHEREAS, the General Assembly finds that making grants to the Industrial Development Board of the City of Chattanooga, Tennessee, for acquisition of equipment and acquisition, site preparation, erection, construction, and equipment of sites and buildings, and infrastructure improvements and development in support of the location of Volkswagen Group of America Chattanooga Operations, LLC, in Tennessee, in accordance with agreements with them to be entered into and approval of the project by the State Building Commission, will serve the public purpose of promoting economic and community development in the State and for its inhabitants as a body, and is related to the function of the Department of Economic and Community Development in furthering such growth; and

WHEREAS, the department intends to enter into agreements with Amazon.com Services LLC., to locate a new facility in Davidson County; and

WHEREAS, this new facility will provide a substantial number of jobs and promote further economic growth, employment, and community development not only in Davidson County but in the State as a whole; and

WHEREAS, the General Assembly finds that making grants to the Industrial Development Board of the Metropolitan Government of Nashville and Davidson County, Tennessee, for acquisition of equipment and acquisition, site preparation, erection, construction, and equipment of sites and buildings, and infrastructure improvements and development in support of the location of Amazon.com Services LLC., in Tennessee, in accordance with agreements with them to be entered into and approval of the project by the State Building Commission, will serve the public purpose of promoting economic and community development in the State and for its inhabitants as a body, and is related to the function of the Department of Economic and Community Development in furthering such growth; now, therefore,

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:**

SECTION 1. The state of Tennessee, acting by resolutions of its funding board, is hereby authorized and empowered to issue and sell direct general obligation bonds of the state of Tennessee in amounts not to exceed two hundred twenty-one million six hundred ninety-six thousand dollars (\$221,696,000) to effectuate the purposes specified in Section 4 of this act. Further, the funding board is authorized to sell bonds in amounts not to exceed two and one-half percent (2.5%) of the amounts specified above and authorized in Section 4, for the purpose of funding discount and costs of issuance. Such bonds may be issued and sold in one (1) block or in several installments and separately or together with other general obligation bonds of the state of Tennessee as the board may determine, either at public or private sale as provided by law.

SECTION 2. The bonds and the interest bearing coupons attached thereto, if any, shall be in such form, mature at such time or times within twenty (20) years from the date of their issuance subject to Section 7 of this act, be executed in such manner, be payable at such place or places both as to principal and interest, and be in such denominations and bear such rate or rates of interest, payable in such manner, as the funding board shall by resolution direct;

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

provided, however, that the maximum rate determined by the funding board in no instance shall exceed the legal rate as provided in Tennessee Code Annotated, Section 47-14-103. The bonds and interest payable thereon shall be exempt from taxation by the state of Tennessee or by any county, municipality, or taxing district of the state except inheritance, transfer, and estate taxes.

SECTION 3. When the bonds are so issued and sold, they shall be direct general obligations of the state of Tennessee for the payment of which well and truly to be made according to the tenor, effect, and terms thereof the full faith and credit of the state, together with its taxing power, shall irrevocably be pledged; and the bonds as authorized in this act shall be issued agreeable to the terms of Tennessee Code Annotated, Title 9, Chapter 9; and they shall be financed, retired, and paid both as to principal and interest as provided in that chapter and shall be subject to the terms and conditions therein and herein contained. When the bonds are sold and proceeds paid over to the state treasurer, the funds shall be paid out by the treasurer and the proper fiscal officers of the state, as provided by general law and this act, but only, except for accrued interest paid as part of the purchase price on order of the proper administrative authorities of the agency or department in this act named for the benefit of which such bonds have been authorized and only to the extent such bonds have in fact been issued for the benefit of such agency or department.

SECTION 4. The proceeds of any and all issues of bonds authorized in this act shall be allocated to the following departments:

(1) Department of Finance and Administration in the amount of fifty-two million eighty-five thousand dollars (\$52,085,000) and expended for the purposes of acquisition of equipment and sites, and erection, construction, and equipment of sites and buildings, expressly including the acquisition of existing structures for expansion, improvements, betterments, and extraordinary repairs to existing structures, and for the purpose of making grants to any county, metropolitan government, incorporated town, city, special district of the state, or any governmental agency or instrumentality of any of them, if such project grant is approved by the State Building Commission. Such grants so identified and approved are determined to be for a public purpose.

(2) Department of Finance and Administration in the amount of fifty million dollars (\$50,000,000) and expended for the purpose of making grants to The Industrial Development Board of the City of Chattanooga for the Volkswagen Group of America Chattanooga Operations, LLC, project and expended for the purpose of acquisition of equipment and acquisition, site preparation, erection, construction, and equipment of sites and buildings, and infrastructure improvements and development, including, but not limited to, sewer, water, utility, and rail infrastructure, whether or not such infrastructure is owned by the Industrial Development Board of the City of Chattanooga.

(3) Department of Finance and Administration in the amount of sixty-five million dollars (\$65,000,000) and expended for the purpose of making grants to The Industrial Development Board of the Metropolitan Government of Nashville and Davidson County for the Amazon.com Services LLC., project and expended for the purpose of acquisition of equipment and acquisition, site preparation, erection, construction, and equipment of sites and buildings, and infrastructure improvements and development, including, but not limited to, sewer, water, utility, and rail infrastructure, whether or not such infrastructure

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

is owned by the Industrial Development Board of the Metropolitan Government of Nashville and Davidson County.

(4) Department of Finance and Administration in the amount of thirty-two million nine hundred eleven thousand dollars (\$32,911,000) to be allocated and expended for purposes of the University of Memphis STEM Research and Classroom Building and the acquisition of equipment and sites, and erection, construction and equipment of sites and buildings, expressly including the acquisition of existing structures for expansion, improvements, betterments and extraordinary repairs to existing structures.

(5) Department of Finance and Administration in the amount of twenty-one million seven hundred thousand dollars (\$21,700,000) to be allocated and expended for purposes of the Tennessee Board of Regents – TCAT Chattanooga Advanced Manufacturing Building and the acquisition of equipment and sites, and erection, construction and equipment of sites and buildings, expressly including the acquisition of existing structures for expansion, improvements, betterments and extraordinary repairs to existing structures.

(6) In its discretion the funding board is authorized to issue bonds in amounts not to exceed two and one-half percent (2.5%) of the amounts specified above in subdivisions (1) through (5), the proceeds of which are to be allocated to such departments as determined by the funding board and expended for the purpose of funding discount and the costs of issuance.

SECTION 5. The proper authorities enumerated in this act and charged with the duty of expending the funds shall have authority to proceed with the projects authorized in this act and for that purpose may hire an architect or architects, advertise for bids, and award contracts, all within the provisions of the general law, expressly including Tennessee Code Annotated, Title 4, Chapter 15, and rules of the state building commission, and in agreement with the terms of this act. No contract, including a contract for architectural services, involving a project authorized by this act, which is subject to the approval of the state building commission, shall be entered into unless and until that contract shall have been approved by the state building commission. The foregoing provisions shall not apply to any grants authorized in this act, but the department of finance and administration, charged with the duty of expending funds, shall have the authority to enter into such grant contracts and perform in accordance with their terms only after the projects have been approved by the state building commission.

SECTION 6. The allocation made to each agency or department as provided in Section 4 may be applied as determined by the funding board to bear its appropriate portion of discount and costs of issuance.

SECTION 7. Pending the issuance of the definite bonds authorized by this act, the state of Tennessee, acting by resolutions of its funding board, is authorized and empowered to issue and sell, either at public or private sale, together with accrued interest thereon, its interest-bearing bond anticipation note or notes. Such note or notes shall be authorized by resolution of the funding board. The note or notes shall bear such date or dates, bear interest at such rate or rates, be in such denominations, be in such form, be executed in such manner, be payable in such medium of payment, at such place or places, and mature on such date or dates, subject to such terms and conditions as such resolution or resolutions may provide. In its discretion, the funding board may provide that a bond anticipation note or any renewal of such note may  
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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

mature more than five (5) years from the date of issue of the original note; provided, that an amortization schedule of repayment of principal is established for the project funded by the note and provisions are made such that any note or renewal note or bond refunding such note attributed to the financing of such project shall be redeemed or retired no later than either twenty-five (25) years from the date of issue of such original note or twenty (20) years from the date the project is completed and placed in full service, whichever is earlier. Provisions of general law with respect to authentication, execution, and registration of general obligation bonds of the state of Tennessee shall also apply to the notes to the extent applicable. The note or notes and the interest payable thereon shall be exempt from taxation by the state of Tennessee or by any county, municipality, or taxing district of the state except inheritance, transfer, and estate taxes. Any resolution or resolutions of the funding board authorizing the issuance of such bond anticipation note or notes shall provide that the same are issued in anticipation of the bonds authorized under this act and shall further provide that the full faith and credit and taxing power of the state of Tennessee are pledged to the payment thereof.

In its discretion the funding board is authorized to issue bond anticipation notes, the proceeds of which are to be allocated to the funding board and expended for the purpose of funding discount and the costs of issuance, as part of the two and one-half percent (2.5%) additional amounts authorized by Section 4 of this act.

SECTION 8. No bonds shall be issued under the authority of this act until such time as the general assembly has appropriated sufficient funds to pay the first year's obligation of principal and interest on the amount of bonds to be issued and the state funding board has determined that such funds are available.

SECTION 9. Notwithstanding any other provision of this act to the contrary, the bonds and bond anticipation notes authorized by this act may be designated "college savings bonds" and be issued pursuant to the provisions of the Baccalaureate Education Savings for Tennessee Act, Chapter 190, Public Acts of 1989.

SECTION 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 11. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000(d).

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.

/s/ Senator Bo Watson

/s/ Representative Susan M. Lynn

/s/ Senator Ferrell Haile

/s/ Representative Patsy Hazlewood

/s/ Senator Jack Johnson

/s/ Representative William Lamberth

/s/ Senator John Stevens

/s/ Representative Matthew Hill

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

/s/ Senator Ken Yager

/s/ Representative Gary Hicks

/s/ Senator Brenda Gilmore

/s/ Representative Harold Love

/s/ Representative Rick Staples

Rep. Lamberth moved that the Report of the Conference Committee on **House Bill No. 2935** be adopted and made the action of the house, which motion prevailed by the following vote:

Ayes .....	91
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Casada, Cepicky, Chism, Clemmons, Cochran, Coley, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Grills, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--91

Representatives present and not voting were: Ogles--1

A motion to reconsider was tabled.

**House Bill No. 1772** -- Sunset Laws - As introduced, extends the state capitol commission to June 30, 2026. - Amends TCA Title 4, Chapter 29 and Title 4, Chapter 8. by \*Daniel, \*Dunn, \*Hardaway. (SB1694 by \*Roberts)

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 1772**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1772 (Senate Bill No. 1694) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment (#18853) be adopted:

by deleting all language after the enacting clause and substituting instead the following:

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

SECTION 1. Tennessee Code Annotated, Section 4-29-241(a), is amended by deleting subdivision (48).

SECTION 2. Tennessee Code Annotated, Section 4-29-247(a), is amended by adding the following as a new subdivision:

( ) State capitol commission, created by § 4-8-301;

SECTION 3. Tennessee Code Annotated, Section 4-8-301(a), is amended by adding the following as a new subdivision (a)(3):

(3)

(A) The commission membership shall also include one (1) private citizen member to be appointed by the speaker of the senate and one (1) private citizen member to be appointed by the speaker of the house of /s/ Representatives.

(B) The members appointed under subdivision (a)(3)(A) shall serve terms of three (3) years, with such terms to begin on July 1 and expire on June 30, every three (3) years thereafter.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

/s/ Senator Kerry Roberts

/s/ Representative William Lamberth

/s/ Senator Paul Rose

/s/ Representative Martin Daniel

/s/ Senator Mark Pody

/s/ Representative G.A. Hardaway

Rep. Daniel moved that the Report of the Conference Committee on **House Bill No. 1772** be adopted and made the action of the house, which motion prevailed by the following vote:

Ayes ..... 80  
Noes ..... 10

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Casada, Cepicky, Chism, Cochran, Coley, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Griffey, Grills, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Thompson, Tillis, Todd, Van Huss, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--80

Representatives voting no were: Clemmons, Hakeem, Hodges, Johnson G, Miller, Mitchell, Parkinson, Powell, Stewart, Towns--10

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

A motion to reconsider was tabled.

**JOURNAL CORRECTION**

Without objection, the Speaker requested that the Journal reflect that Rep. Leatherwood voted "aye" on **Senate Bill No. 2932**.

**JOURNAL CORRECTION**

Without objection, the Speaker requested that the Journal reflect that Rep. Russell voted "aye" on **Senate Bill No. 2741**.

**MESSAGE FROM THE SENATE**

**June 19, 2020**

MR. SPEAKER: I am directed to return to the House, House Bill No. 2263; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 2263** -- Abortion - As introduced, extends the time, from 30 to 60 days, within which a physician accused of performing a partial-birth abortion may delay trial in order to allow the state medical board to determine whether the physician's conduct was necessary to save the life of the mother. - Amends TCA Section 37-10-304 and Title 39, Chapter 15, Part 2. by \*Lamberth, \*Gant, \*Lynn, \*Van Huss, \*Littleton, \*Hill M, \*Moody, \*Holt, \*Weaver, \*Howell, \*Leatherwood, \*Sherrell, \*Carr, \*Zachary, \*Hurt, \*Cepicky, \*Crawford, \*Ragan, \*Williams, \*Grills, \*Cochran, \*Doggett, \*Byrd, \*Powers, \*Tillis, \*Baum, \*Calfee, \*Rudder, \*Rudd, \*Eldridge, \*Bricken, \*Ogles, \*Helton, \*Russell, \*Hawk, \*Kumar. (SB2196 by \*Johnson, \*Gresham, \*Lundberg, \*Powers, \*Reeves, \*Stevens, \*White)

Rep. Lynn moved that the House concur in Senate Amendment No. 3 to **House Bill No. 2263**.

**Senate Amendment No. 3**

To amend House Bill No. 2263 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-10-304(c)(2), is amended by deleting the subdivision.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 15, Part 2, is amended by adding the following as new sections:

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**39-15-214.**

(a) Findings. The general assembly finds:

(1) As the Supreme Court has stated in *Planned Parenthood v. Casey*, 505 U.S.

833, 852 (1992), “Abortion is a unique act” and is “fraught with consequences...for the woman who must live with the implications of her decision.” As the Supreme Court stated in *Gonzales v. Carhart*, 550 U.S. 124, 159 (2007) “it seems unexceptionable to conclude some women come to regret their choice to abort the infant life they once created and sustained. Severe depression and loss of esteem can follow.” The Supreme Court has acknowledged, in *Casey* at 882, that the effect of an abortion on the life of the unborn child is “relevant, if not dispositive” information for the patient’s decision;

(2) Current standards of medical care mandate the performance of an ultrasound prior to the performance of inducing of an abortion. Determining accurate information regarding gestational development is important for purposes of informed consent, as well as making essential preparation for the procedure itself;

(3) In this state ultrasounds are regularly provided to women seeking an abortion to determine if they are eligible for a medication abortion, and to review other factors related that cannot be determined prior to an examination of the patient;

(4) In the forty-seven (47) years since the United States Supreme Court’s ruling in *Roe v. Wade*, 410 U.S. 113 (1973), there have been substantial advances in scientific methods and medical technology that have significantly expanded knowledge and understanding of prenatal life and development, and the effects of abortion on the physical and psychological health of women;

(5) At conception, a new and genetically distinct human being is formed;

(6) The state has a legitimate, substantial, and compelling interest in

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protecting the rights of all human beings, including the fundamental and absolute right of unborn human beings to life, liberty, and all rights protected by the Fourteenth and Ninth Amendments to the United States Constitution;

(7) The presence of a fetal heartbeat is medically significant because the heartbeat is a discernible sign of life at every stage of human existence;

(8) An unborn child's heart begins to beat at five (5) weeks gestational age, and blood begins to flow during the sixth week;

(9) Depending on what type of equipment is utilized, an unborn child's heartbeat can be detected as early as six (6) to eight (8) weeks gestational age;

(10) An unborn child's heartbeat can consistently be made audible using a handheld Doppler fetal heart rate device by twelve (12) weeks gestational age; A pregnancy can be confirmed through the detection of the unborn child's heartbeat;

(11) By the beginning of the second trimester, physicians view the absence of a fetal heartbeat as an instance of fetal death;

(12) It is standard medical practice to monitor an unborn child's heartbeat throughout pregnancy and labor to measure the heart rate and rhythm of the unborn child, which averages between one hundred ten (110) and one hundred sixty (160) beats per minute. This monitoring is used as an indicator of the health of the unborn child;

(13) Since the Supreme Court's decision in Roe v. Wade, medical professionals have expanded their understanding of life in utero to include, among other indicia, the presence of a heartbeat, brain development, a viable pregnancy or viable intrauterine pregnancy during the first trimester of pregnancy, and the ability to experience pain;

(14) The presence of a fetal heartbeat is the best indicator of a viable

pregnancy. The detectability of a fetal heartbeat is a strong predictor of survivability to term, especially if the heartbeat is present at eight (8) weeks gestational age or later;

(15) When a fetal heartbeat is detected between eight (8) and twelve (12) weeks gestational age, the rate of miscarriage is extremely low, with approximately ninety eight percent (98%) of naturally conceived pregnancies carrying to term;

(16) At eight (8) weeks gestational age, an unborn child begins to show spontaneous movements, and reflexive responses to touch. The majority of an unborn child's body is responsive to touch by fourteen (14) weeks gestational age;

(17) Peripheral cutaneous sensory receptors, which are the receptors that feel pain, develop in an unborn child at around seven (7) to eight (8) weeks gestational age. Sensory receptors develop in the palmar regions during the tenth week of gestational age, growing throughout the unborn child's body by sixteen (16) weeks gestational age;

(18) An unborn child's nervous system is established by six (6) weeks gestational age. At this stage, the basic patterning of the early nervous system is in place and is the basis for tremendous growth and increased complexity built upon this basic pattern. The earliest neurons of the cortical brain, responsible for thinking, memory, and higher level functions, are established by the fourth week;

(19) Synapses are formed in the seventh week, and the neural connections for the most primitive responses to pain are in place by ten (10) weeks gestation;

(20) Substance P, a peptide functioning as a neurotransmitter in the transmission of pain, is present in the spinal cord of an unborn child at eight (8) weeks gestational age, while enkephalin peptides, which serve as neurotransmitters in pain modulation, are present at twelve (12) to fourteen (14) weeks gestational age;

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

(21) There is significant evidence, based on peer-reviewed scientific studies, that unborn children are capable of experiencing pain by no later than twenty (20) weeks gestational age. Pain receptor nerves are already present throughout the human body by twenty (20) weeks gestation, and the cortex, which begins development at eight (8) weeks, has a full complement of neurons at twenty (20) weeks;

(22) There is evidence that an unborn child is capable of feeling pain as early as twelve (12) to fifteen (15) weeks gestational age. The scientific evidence shows that significant cortical neuronal connections are in place by ten (10) to twelve (12) weeks gestation, and that connections between the spinal cord and thalamus are nearly complete by twenty (20) weeks gestation;

(23) A growing body of medical evidence and literature supports the conclusion that an unborn child may feel pain from around eleven (11) to twelve (12) weeks gestational age, or even as early as five and a half (5 ½) weeks. At only eight (8) weeks gestation, an unborn child exhibits reflexive movement during invasive procedures resulting from spinal reflex neuro pathways, showing that the unborn child reacts to noxious stimuli with avoidance reactions and stress responses. By sixteen (16) weeks gestational age, pain transmission from a peripheral receptor to the cortex is possible. Significant evidence also shows hormonal stress responses by unborn children as early as eighteen (18) weeks;

(24) Mothers considering abortion express concern over the medical information on fetal neurological development and an unborn child's ability to feel pain while in utero, and providing this information to mothers who are considering abortion is an important part of empowering mothers to make a fully-informed choice on whether or not to seek an abortion;

(25) Medical evidence shows that younger infants are hypersensitive to pain.

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Neuronal mechanisms that inhibit or moderate pain sensations do not begin to develop until thirty-four (34) to thirty-six (36) weeks gestation and are not complete until a significant time after birth. Newborn and preterm infants are hyperresponsive to pain compared to adults or older infants;

(26) The recognition of fetal pain has led to improvements and changes in how physicians approach fetal surgery and fetal anesthesia. The presence of neural connections and the ability to feel pain as early as the fifteenth week now necessitate treating the unborn child as a separate patient from the mother for purposes of utilizing direct analgesia to fetal patients, who clearly elicit stress responses to pain;

(27) Fetal surgeons at specialized units in St. Louis, Nashville, Cincinnati, Kansas City, Boston, and elsewhere, in response to their recognition of fetal pain, routinely use anesthesia and analgesia for unborn and premature infants undergoing surgery as young as eighteen (18) weeks gestation;

(28) The leading textbook on clinical anesthesia recognizes the significant body of evidence indicating the importance of mitigating fetal stress responses to pain stimuli. It is presumed that an unborn child's ability to fully experience pain occurs between twenty (20) and thirty (30) weeks, and that the fetal experience of pain may be even greater than that of term neonate or young children due to the immaturity of neurodevelopment that helps inhibit pain;

(29) Mothers considering abortion express concern over the medical information

on fetal neurological development and an unborn child's ability to feel pain while in utero;

(30) The infliction of unnecessary pain upon a living being is generally prohibited by state and federal law. The legislature has prohibited the unnecessary



infliction of pain on living beings in a variety of circumstances in an effort to protect the innocent from harm;

(31) The life of an unborn child is recognized and protected from violence by federal law and by the laws of most states. The killing of an unborn child is considered homicide in thirty-eight (38) states, with at least twenty-eight (28) of those states criminalizing the act from conception. Nearly every state and the District of Columbia have wrongful death statutes that allow for liability and recovery for the death of an unborn child or subsequent death of an infant who is born and later dies because of injuries caused while in utero;

(32) The United States Supreme Court created the viability standard for evaluating abortion-related laws and regulations in *Roe v. Wade*, 410 U.S. 113 (1973), and reaffirmed this approach in *Planned Parenthood v. Casey*, 505 U.S. 833 (1992);

(33) At the time *Roe v. Wade* was decided, the court recognized that viability was not likely until approximately twenty-eight (28) weeks gestational age;

(34) Since the Supreme Court's decisions in *Roe v. Wade* and *Planned Parenthood v. Casey*, advances in science, technology, and treatment methods have resulted in children surviving and thriving at younger preterm ages than ever before;

(35) In recent years, scientific advances and advances in neonatal care of lowered the gestational limits of survivability well into the second trimester;

(36) The age at which a preterm infant can survive has decreased from twenty- eight (28) weeks to less than twenty-two (22) weeks. Survival of preterm infants has increased significantly over time assuming physicians provide active care for the young infants, lowering the age of survival from twenty-eight (28) weeks to

twenty-four (24) weeks. Moreover, infants born as early as twenty-two (22) weeks can survive with the provision of care and treatment. The youngest preterm infant to survive was born at only twenty-one (21) weeks and four (4) days;

(37) In 1978, the first infants weighing less than seven hundred fifty (750) grams were successfully ventilated;

(38) By the 1990s, survival of infants born weighing between five hundred (500) and seven hundred (700) grams, roughly between twenty-four (24) to twenty-six (26) weeks, became possible;

(39) Technological developments in the 1980s and 1990s, such as improved tracheal instillation of surfactant for respiratory distress syndrome and antenatal corticosteroids, resulted in survival of infants born between twenty-three (23) to twenty-four (24) weeks;

(40) In recent years, resuscitation and survival of infants born weighing less than four hundred (400) grams, or approximately twenty-two (22) to twenty-three (23) weeks gestational age, has further decreased the age of viability;

(41) The provision of active prenatal and postnatal care has significantly increased the number of prematurely born children who survive until hospital discharge;

(42) Abortions performed at any gestational age pose a risk to the mother. Abortion increases the risks of subsequent preterm birth and placenta previa, life-threatening hemorrhage, postpartum hemorrhage, and cesarean delivery;

(43) Abortions performed later in pregnancy pose an even higher medical risk to the health and life of women, with the relative risk increasing exponentially at later gestational ages after eight (8) weeks gestational age;

(44) The relative risk of death for pregnant women who had an

abortion performed or induced upon her at eleven (11) to twelve (12) weeks gestational age is between three (3) and four (4) times higher than an abortion at eight (8) weeks gestational age or earlier;

(45) The relative risk of death for pregnant women who had an abortion performed or induced upon her at thirteen (13) to fifteen (15) weeks gestational age is almost fifteen (15) times higher than an abortion at eight (8) weeks gestational age or earlier;

(46) The relative risk of death for pregnant women who had an abortion performed or induced upon her at sixteen (16) to twenty (20) weeks gestational age is almost thirty (30) times higher than an abortion at eight (8) weeks gestational age or earlier;

(47) The relative risk of death for pregnant women who had an abortion performed or induced upon her at twenty-one (21) weeks gestational age or later is more than seventy-five (75) times higher than an abortion at eight (8) weeks gestational age or earlier;

(48) Women who have an abortion suffer from post-traumatic stress disorder at a rate slightly higher than veterans of the Vietnam war. Women who have an abortion have an eighty one percent (81%) increased risk of mental trauma after an abortion. Abortion has been shown to correlate with many other mental health disorders as well;

(49) The United States is one of only seven (7) countries in the world that permits elective abortion past twenty (20) weeks;

(50) Only seventeen (17) countries permit abortion without any restriction beyond week twelve (12) weeks gestational age;

(51) The United States is an outlier within the international community related to the regulation of abortion. Of the countries that permit elective abortion, nine (9) limit elective abortion before the twelfth week of gestation, thirty-six (36) limit elective abortion at twelve (12) weeks gestation, six (6) limit elective abortion between twelve (12) and twenty (20) weeks gestation, and only seven (7) permit elective abortion past twenty (20) weeks or have no gestational limit;

(52) The historical development of abortion is undeniably tied to bias and discrimination by some organizations, leaders, and policies towards impoverished and minority communities, including the imposition of forced sterilization of the intellectually disabled, poor, minority, and immigrant women. These historic policies should be rejected and left on the ash heap of history;

(53) As Justice Clarence Thomas wrote in his opinion concurring in the denial of certiorari in *Box v. Planned Parenthood of Indiana and Kentucky, Inc.*, 139 S. Ct. 1780, 1783 (2019), "the use of abortion to achieve eugenic goals is not merely hypothetical." This historical practice of abortion was rooted not in equality but in discrimination based on age, sex, and disability;

(54) In the early twentieth century, the eugenics movement had grown popular across elite institutions in the United States, with many distinguishing between so-called fit and unfit individuals along racial lines and expressing concern over the increased birth-rate among non-white populations. Such abhorrent distinctions were also made between able-bodied persons and persons eugenicists referred to as "feeble-minded," "deformed," "diseased," blind, deaf, or "dependent," a term used to include orphans and the poor. Laws were adopted prohibiting marriages between the disabled and other "unfit" individuals and requiring their sterilization. More than sixty thousand (60,000) people were involuntarily sterilized

between 1907 and 1983;

(55) Planned Parenthood founder Margaret Sanger argued in the early twentieth century that birth control would open the way to the eugenicist. Sanger argued that birth control could be used to reduce the “ever increasing, unceasingly spawning class of human beings who never should have been born at all;

(56) This argument was later adopted by abortion advocates, such as Planned Parenthood President Alan Guttmacher, who endorsed abortion for eugenic purposes. Guttmacher argued in the 1950’s that abortion should be used to prevent the birth of disabled children. Legal scholar Glanville Williams, whose book was cited in the majority opinion in *Roe v. Wade*, argued in a book published in the 1950’s that a “eugenic killing by a mother . . . cannot confidently be pronounced immoral;

(57) Some continue to support the goal of reducing undesirable populations through selective reproduction;

(58) Today, the individualized nature of abortion creates a significant risk that prenatal screening tests and new technologies will be used to eliminate children with unwanted characteristics;

(59) There is substantial evidence from across the globe and in the United States that the elimination of children with unwanted characteristics is already occurring. The abortion rate for children diagnosed with Down syndrome in utero approaches one hundred percent (100%) in Iceland, ninety eight percent (98%) in Denmark, ninety percent (90%) in the United Kingdom, and seventy seven percent (77%) in France. Even in the United States, the abortion rate for children with Down Syndrome is sixty seven percent (67%). Widespread sex-selective abortions in Asia have led to as many as one hundred sixty (160) million “missing” women. In India, as a result of the abortion of 300,000-700,000

female unborn children each year over several decades, there are currently about fifty (50) million more men than women in the country. Recent evidence also suggests that sex-selective abortions of girls are common among certain populations in the United States;

(60) Sex-selective abortion results in an unnatural sex ratio imbalance that can impede members of the numerically predominant sex from finding partners, encourage the commoditization of humans in the form of human trafficking, and create other societal harms. Sex-selective abortion also reinforces discriminatory and sexist stereotypes toward women by devaluing and dehumanizing females;

(61) In this state, from 2008 through 2017, the rate of abortion per one thousand (1,000) women was nearly four (4) times higher for nonwhite women than white women, with a rate of 7.6 on average for all women, 4.6 for white women, and 16.0 for nonwhite women. The ratio of abortions to one thousand (1,000) live births in this state from 2008- 2017 was nearly three (3) times higher for nonwhite women than white women, with an average of 138.2 for all women, 85.1 for white women, and 294.4 for nonwhite women;

(62) The use of abortion as a means to prefer one (1) sex over another or to discriminate based on disability or race is antithetical to the core values equality, freedom, and human dignity enshrined in both the United States and Tennessee Constitutions. The elimination of bias and discrimination against pregnant women, their partners, and their family members, including unborn children, is a fundamental obligation of government in order to guarantee those who are, according to the Declaration of Independence, "endowed by their Creator with certain unalienable Rights" can enjoy "Life, Liberty, and the pursuit of Happiness";

**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

(63) This state has historically protected its interest in preserving the integrity of the medical profession by enacting a comprehensive statutory framework for ensuring the integrity of the medical profession in title 63;

(64) The general assembly first adopted an act creating the Board of Medical Examiners in 1901, with the mission to protect the health, safety, and welfare of the people of this state and to ensure the highest degree of professional conduct;

(65) As the Supreme Court of the United States acknowledged in *Gonzales v. Carhart*, 550 U.S. 124, 157 (2007) (citing *Washington v. Glucksberg*, 521 U.S. 702, 731 (1997)), “the government has an interest in protecting the integrity and ethics of the medical profession.” Under U.S. Supreme Court precedents, it is clear the State has a significant role to play in regulating the medical profession;

(66) Physician involvement in medical practices that cause fetal pain has been rejected by the international community;

(67) Physician involvement in medical practices that facilitate discrimination is antithetical to the United States and Tennessee constitutions’ affirmation of equal protection under the law;

(68) The integrity and public respect of the medical profession are significantly harmed by physician involvement in practices that have been rejected by the international community, facilitate discrimination, or otherwise create a disdain for life;

(69) This state has a legitimate, substantial, and compelling interest in valuing and protecting unborn children;

(70) This state has a legitimate, substantial, and compelling interest in protecting the physical and mental health of the mother;

(71) This state has a legitimate, substantial, and compelling interest in

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promoting human dignity;

(72) This state has a legitimate, substantial, and compelling interest in encouraging childbirth over abortion;

(73) This state has a legitimate, substantial, and compelling interest in safeguarding an unborn child from the serious harm of pain by an abortion method that would cause the unborn child to experience pain;

(74) This state has a legitimate, substantial, and compelling interest in resolving untenable inconsistencies and incongruities in state law which permits some unborn children to be killed by abortion, while requiring that unborn children be protected and valued in non-abortion circumstances including, but not limited to, criminal provisions related to the infliction of harms against persons, state programs intended to aid prenatal healthcare, and state sponsored healthcare for unborn children;

(75) This state has a legitimate, substantial, and compelling interest in protecting the integrity and ethics of the medical profession, including by prohibiting medical practices that might cause the medical profession to become insensitive, even disdainful, to life, including the life of the unborn child; and

(76) This state has a legitimate, substantial, and compelling interest in preventing discrimination.

(b) Purpose.

(1) The purpose of this section is to provide legislative intent and reasoning underlying the enactment of laws to protect maternal health, and to preserve, promote, and protect life and potential life throughout pregnancy, including, but not limited to, §§ 39-15-215-- 39-15-217.

(2) The unique nature of abortion and its potential physical and mental

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health risks, as well as the ultimate result of the death of an unborn child, necessitates that this state ensure every woman considering an abortion is provided with adequate comprehensive information before deciding to obtain an abortion. The mandatory provision of an ultrasound prior to the abortion substantially furthers this compelling state interest.

(3) The presence of a fetal heartbeat is a medically significant indicator of life and the potential successful development of an unborn child. This state's legitimate, substantial, and compelling interest in protecting unborn children warrants the restriction of abortion in cases where the heartbeat is detectable.

(4) The unnecessary infliction of pain upon the life of an unborn child is inconsistent with Tennessee law that would otherwise protect the life and health of an unborn child, undermines the integrity of and public trust in the medical profession, and conflicts with the this state's legitimate, substantial, and compelling interest in protecting the life of an unborn child, protecting the integrity of the medical profession, resolving the conflict in state laws intended to protect the health of the unborn child, and protecting the life, physical health, and mental health of women. Therefore, it is necessary to enact protections against the infliction of pain, and death, upon an unborn child who is capable of experiencing pain.

(5) Advances in science and medical practice have decreased the gestational age of an unborn child's viability to survive. This state's legitimate, substantial, and compelling interest in protecting the life of an unborn child, protecting the integrity of the medical profession, resolving the conflict in state laws intended to protect the health of the unborn child, and protecting the life, physical health, and mental health of women require the enactment of a series of gestational age restrictions on the provision of an abortion.

(6) The historical use of abortion as a means to discriminatory ends is fundamentally objectionable and conflicts with this state's legitimate, substantial, and compelling interest in preventing discrimination and discriminatory practices. Therefore, it is necessary for this state to enact protections that prevent sex, racial, and disability discrimination against unborn children.

(7) Life begins at conception, and nothing in this act shall be interpreted or construed to suggest that it is the intent or purpose of the legislature to condone abortion of an unborn child at any time after conception. The legislature specifically acknowledges the provisions of § 39-15-213 that will prohibit all abortion effective on the thirtieth day after issuance of a judgment overruling, in whole or in part, *Roe v. Wade*, as modified by *Planned Parenthood v. Casey*, or adoption of an amendment to the Constitution, restoring state authority to prohibit abortion.

**39-15-215.**

(a) As used in this section:

(1) "Abortion" has the same meaning as defined in § 39-15-211;

(2) "Auscultate" means to examine by listening for sounds made by internal organs of the fetus, including a fetal heartbeat, in accordance with standard medical practice utilizing current medical technology and methodology;

(3) "Gestational age" or "gestation" has the same meaning as defined in § 39-15-211;

(4) "Medical emergency" has the same meaning as defined in § 39-15-211; provided, that a medical emergency does not include a claim or diagnosis related to the woman's mental health or a claim or diagnosis that the woman will engage in conduct which would result in her death or

substantial and irreversible impairment of a major bodily function;

(5) "Obstetric ultrasound" or "ultrasound" means the use of ultrasonic waves for diagnostic or therapeutic purposes, specifically to monitor a developing fetus; and

(6) "Ultrasound technician" means a person at least eighteen (18) years of age who:

(A) Has earned a technical certificate from a sonography program accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or Canadian Medical Association (CMA);

(B) Is currently certified by the American Registry for Diagnostic Medical Sonography (ARDMS) in the specialty in which the person is currently practicing;

(C) Is currently certified by the American Registry of Radiologic Technologists (ARRT) in sonography;

(D) Is in the process of applying for registration with the ARDMS, provided that the applicant satisfies the requirements for registration within ninety (90) days of becoming employed as a sonographer; or

(E) Is in the process of applying for registration with the ARRT, provided that the applicant satisfies the requirements for registration within ninety (90) days of becoming employed as a sonographer.

(b) Prior to a pregnant woman giving informed consent to having an abortion, as required by § 39-15-202, the physician who is performing or inducing,

or attempting to perform or induce, an abortion, shall:

(1) Determine the gestational age of the unborn child in accordance with generally accepted standards of medical practice;

(2) Inform the pregnant woman the gestational age of the unborn child;

(3) Perform an obstetric ultrasound in accordance with generally accepted standards of medical practice using current medical technology and methodology applicable to the gestational age of the unborn child and reasonably calculated to determine whether a fetal heartbeat exists;

(4) Auscultate the fetal heartbeat of the unborn child, if any, so that the pregnant woman may hear the heartbeat if the heartbeat is audible;

(5) Provide a simultaneous explanation of what the ultrasound is depicting, which must include the presence and location of the unborn child within the uterus, the dimensions of the unborn child, the presence of external members and internal organs if present and viewable, the number of unborn children depicted, and, if the ultrasound image indicates that fetal demise has occurred, inform the woman of that fact;

(6) Display the ultrasound images so that the pregnant woman may view the images;

(7) Record in the pregnant woman's medical record the presence or absence of a fetal heartbeat, the method used to test for the fetal heartbeat, the date and time of the test, and the estimated gestational age of the unborn child; and

(8) Obtain from the pregnant woman prior to performing or inducing, or attempting to perform or induce, an abortion, a signed certification that the pregnant woman was presented with the information required to be provided

under this subsection (b), that the pregnant woman viewed the ultrasound images or declined to do so, and that the pregnant woman listened to the heartbeat if the heartbeat was audible or declined to do so. The signed certification must be in addition to any other documentation requirements under this part and must be on a form prescribed by the commissioner of health and be retained in the woman's medical record.

(9)

(10)The physician who is to perform or induce, or attempt to perform or induce, an abortion may delegate the responsibility to perform the obstetric ultrasound to an ultrasound technician, provided that the ultrasound technician is qualified and permitted by law to perform an obstetric ultrasound that complies

with the requirements of subsection (b). An ultrasound technician performing an obstetric ultrasound under this subdivision (c)(1) shall perform the obstetric ultrasound in a manner that complies with subsection (b), and the physician may rely on the signed certification obtained by the qualified technician under subdivision (b)(8) to establish that an ultrasound was performed in compliance with this section, unless the physician knows, or in the exercise of reasonable care should know, that an ultrasound was not performed in accordance with this section.

(11)The physician who is to perform or induce, or attempt to perform or induce, an abortion may accept a certification from a referring physician that the referring physician has performed an obstetric ultrasound that complies with the requirements of subsection (b). The referring physician performing an obstetric ultrasound under this subdivision (c)(2) shall perform the obstetric

ultrasound in a manner that complies with subsection (b), and the physician may rely on the signed certification obtained by the referring physician under subdivision (b)(8) to establish that an ultrasound was performed in compliance with this section, unless the physician knows, or in the exercise of reasonable care should know, that an ultrasound was not performed in accordance with this section.

(c) When the ultrasound images and heartbeat sounds are provided to and reviewed with the pregnant woman, this section shall not be construed to prevent the pregnant woman from averting her eyes from the ultrasound images or requesting the volume of the heartbeat be reduced or turned off if the heartbeat is audible. The physician or ultrasound technician performing the ultrasound shall be permitted to comply with the request of the pregnant woman. The physician, the ultrasound technician, and the pregnant woman shall not be subject to any penalty if the pregnant woman refuses to look at the displayed ultrasound images or to listen to the heartbeat if the heartbeat is audible.

(1) Subject to compliance with subdivision (e)(2), it is an affirmative defense to criminal prosecution for a violation of a provision of this section that, in the physician's reasonable medical judgment, a medical emergency prevented compliance with the provision.

(2) In order for the affirmative defense in subdivision (e)(1) to apply, a physician who performs or induces, or attempts to perform or induce, an abortion because of a medical emergency must comply with each of the following conditions unless the medical emergency also prevents compliance with the condition:

(A) The physician who performs or induces, or attempts to perform or induce, the abortion certifies in writing that, in the physician's good faith, reasonable medical judgment, based upon the facts known to the physician at the time, compliance with the provision was prevented by a medical emergency;

(B) The physician certifies in writing the available methods or techniques considered and the reasons for choosing the method or technique employed;

(C) If the unborn child is presumed to be viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician performs or induces, or attempts to perform or induce, the abortion in a hospital. The hospital must have appropriate neonatal services for premature infants unless there is no hospital within thirty (30) miles with neonatal services and the physician who intends to perform or induce the abortion has admitting privileges at the hospital where the abortion is to be performed or induced;

(D) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion terminates or attempts to terminate the pregnancy in the manner that provides the best opportunity for the unborn child to survive, unless that physician determines, in the physician's good faith medical judgment, based upon the facts known to the physician at the time, that the termination of the pregnancy in that manner poses a significantly greater risk of the death of the pregnant woman or a

significantly greater risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman than would other available methods of abortion; and

(E) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion has arranged for the attendance in the same room in which the abortion is to be performed or induced, or attempted to be performed or induced, at least one (1) other physician who is to take control of, provide immediate medical care for, and take all reasonable steps necessary to preserve the life and health of the unborn child immediately upon the child's complete expulsion or extraction from the pregnant woman.

(d) Performing or inducing, or attempting to perform or induce, an abortion in violation of the requirements of this section is a Class C felony.

(e) A violation of subsection (c) by an ultrasound technician or referring physician whose performance of an ultrasound pursuant to subsection (c) is relied upon by a physician in performing or inducing, or attempting to perform or induce, an abortion is a Class E felony.

(f) A pregnant woman upon whom an abortion is performed or induced, or attempted to be performed or induced, in violation of this section is not guilty of violating this section or attempting to commit or conspiring to commit a violation of this section.

(g) When a physician is criminally charged with a violation of this section, the physician shall report the charge to the board of medical examiners in writing within



seven (7) calendar days of acquiring knowledge of the charge. The report must include the jurisdiction in which the charge is pending, if known, and must also be accompanied by a copy of the charging documents, if available. A district attorney general shall promptly notify the board of medical examiners when a physician is charged with a violation of this section.

(h) If any provision or provisions of this section or the application thereof to any person, circumstance, or period of gestational age is found to be unenforceable, unconstitutional, or invalid by a court of competent jurisdiction, the same is hereby declared to be severable and the remainder of the section shall remain effective. The general assembly hereby declares that it would have enacted this section and each of its provisions, even if any provision of this section or the application thereof to any person, circumstance, or period of gestational age is later found to be unenforceable, unconstitutional, or invalid.

(i)

(1) It is the specific intent of the general assembly in this section to exercise to the greatest extent permitted by law the legitimate, substantial, and compelling state interest in protecting maternal health, and in preserving, promoting, and protecting life and potential life throughout pregnancy by enacting more protective requirements than provided for under this part as it existed prior to the effective date of this act.

(2) When this section is in direct conflict with this part as it existed prior to the effective date of this act, the more protective requirements of this section control over any less protective provision in this part. This section shall not be construed as a repeal, either express or implied, of any provision of this part as it existed prior to the effective date of this act.

(3) The general assembly specifically intends that this part as it existed prior to the effective date of this act shall remain and be enforceable if, and for so long as, any provisions of this section, or any part or parts thereof, are enjoined or otherwise barred by a court of competent jurisdiction.

(4) This section does not repeal or modify in any way § 39-15-213, as enacted by Public Chapter 351 of 2019, which shall control upon becoming effective. This section shall remain and be enforceable if, and for so long as, any provisions of § 39-15-213, or any part or parts thereof, are enjoined or otherwise barred by a court of competent jurisdiction.

**39-15-216.**

(a) As used in this section:

(1) "Abortion" has the same meaning as defined in § 39-15-211;

(2) "Fetal heartbeat" means cardiac activity or the steady and repetitive rhythmic contraction of the heart of an unborn child;

(3) "Gestational age" or "gestation" has the same meaning as defined in § 39-15-211;

(4) "Medical emergency" has the same meaning as defined in § 39-15-211; provided, that a medical emergency does not include a claim or diagnosis related to the woman's mental health or a claim or diagnosis that the woman will engage in conduct which would result in her death or substantial and irreversible impairment of a major bodily function;

(5) "Unborn child" has the same meaning as defined in § 39-15-211; and

(6) "Viable" has the same meaning as defined in § 39-15-211.

(b)

(1) Before performing or inducing, or attempting to perform or induce,

an abortion, the physician shall determine the gestational age of the unborn

child in accordance with generally accepted standards of medical practice.

(2) A violation of subdivision (b)(1) is a Class C felony.

(c)

(1) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child has a fetal heartbeat. A violation of this subdivision (c)(1) is a Class C felony.

(2) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is six (6) weeks gestational age or older unless, prior to performing or inducing the abortion, or attempting to perform or induce the abortion, the physician affirmatively determines and records in the pregnant woman's medical record that, in the physician's good faith medical judgment, the unborn child does not have a fetal heartbeat at the time of the abortion. In making the good faith medical determination, the physician shall utilize generally accepted standards of medical practice using current medical technology and methodology applicable to the gestational age of the unborn child and reasonably calculated to determine the existence or non-existence of a fetal heartbeat. A violation of this subdivision (c)(2) is a Class C felony.

(3) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is eight (8) weeks gestational age or older. A violation of this subdivision (c)(3) is a Class C felony.

(4) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is ten (10) weeks gestational age or older. A violation of this subdivision (c)(4) is a Class C felony.

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(5) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twelve (12) weeks gestational age or older. A violation of this subdivision (c)(5) is a Class C felony.

(6) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is fifteen (15) weeks gestational age or older. A violation of this subdivision (c)(6) is a Class C felony.

(7) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is eighteen (18) weeks gestational age or order. A violation of this subdivision (c)(7) is a Class C felony.

(8) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty (20) weeks gestational age or older. A violation of this subdivision (c)(8) is a Class C felony.

(9) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty-one (21) weeks gestational age or older. A violation of this subdivision (c)(9) is a Class C felony.

(10) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty-two (22) weeks gestational age or older. A violation of this subdivision (c)(10) is a Class C felony.

(11) A person shall not perform or induce, or attempt to perform or

induce, an abortion upon a pregnant woman whose unborn child is twenty-three (23) weeks gestational age or older. A violation of this subdivision (c)(11) is a Class C felony.

(12) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty-four (24) weeks gestational age or older. A violation of this subdivision (c)(12) is a Class C felony.

(d)

(1) A person shall not be convicted of violating more than one (1) subdivision of subsection (c) for any one (1) abortion that the person performed, induced, or attempted to perform or induce.

(2) This section does not permit the abortion of a viable unborn child.

(e)

(1) Subject to compliance with subdivision (e)(2), it is an affirmative defense to criminal prosecution for a violation of a provision of this section that, in the physician's reasonable medical judgment, a medical emergency prevented compliance with the provision.

(2) In order for the affirmative defense in subdivision (e)(1) to apply, a physician who performs or induces, or attempts to perform or induce, an abortion because of a medical emergency must comply with each of the following conditions unless the medical emergency also prevents compliance with the condition:

(A) The physician who performs or induces, or attempts to perform or induce, the abortion certifies in writing that, in the physician's good faith, reasonable medical judgment, based upon the facts known to the physician at the time, compliance with the provision was prevented by a medical emergency;

(B) The physician certifies in writing the available methods

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or techniques considered and the reasons for choosing the method or technique employed;

(C) If the unborn child is presumed to be viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician performs or induces, or attempts to perform or induce, the abortion in a hospital. The hospital must have appropriate neonatal services for premature infants unless there is no hospital within thirty (30) miles with neonatal services and the physician who intends to perform or induce the abortion has admitting privileges at the hospital where the abortion is to be performed or induced;

(D) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion terminates or attempts to terminate the pregnancy in the manner that provides the best opportunity for the unborn child to survive, unless that physician determines, in the physician's good faith medical judgment, based upon the facts known to the physician at the time, that the termination of the pregnancy in that manner poses a significantly greater risk of the death of the pregnant woman or a significantly greater risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman than would other available methods of abortion; and

(E) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion

has arranged for the attendance in the same room in which the abortion is to be performed or induced, or attempted to be performed or induced, at least one (1) other physician who is to take control of, provide immediate medical care for, and take all reasonable steps necessary to preserve the life and health of the unborn child immediately upon the child's complete expulsion or extraction from the pregnant woman.

(f) A pregnant woman upon whom an abortion is performed or induced, or attempted to be performed or induced, in violation of any provision of this section is not guilty of violating, or of attempting to commit or conspiring to commit a violation of, this section.

(g) When a physician is criminally charged with a violation of this section, the physician shall report the charge to the board of medical examiners in writing within seven (7) calendar days of acquiring knowledge of the charge. The report must include the jurisdiction in which the charge is pending, if known, and must also be accompanied by a copy of the charging documents, if available. A district attorney general shall promptly notify the board of medical examiners when a physician is charged with a violation of this section.

(h) If any provision or provisions of this section or the application thereof to any person, circumstance, or period of gestational age is found to be unenforceable, unconstitutional, or invalid by a court of competent jurisdiction, the same is hereby declared to be severable and the remainder of the section shall remain effective. The general assembly hereby declares that it would have enacted this section and each of its provisions, even if any provision of this section or the application thereof to any person, circumstance, or period of gestational age was later found to be unenforceable, unconstitutional, or invalid.

(i)

(1) It is the specific intent of the general assembly in this section to

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exercise to the greatest extent permitted by law the legitimate, substantial, and compelling state interest in protecting maternal health, and in preserving, promoting, and protecting life and potential life throughout pregnancy by enacting more protective requirements than provided for under this part as it existed prior to the effective date of this act.

(2) When this section is in direct conflict with this part as it existed prior to the effective date of this act, the more protective requirements of this section control over any less protective provision of this part. This section shall not be construed as a repeal, either express or implied, of any provision of this part as it existed prior to the effective date of this act.

(11) The general assembly specifically intends that this part as it existed prior to the effective date of this act shall remain and be enforceable if, and for so long as, any provisions of this section, or any part or parts thereof, are enjoined or otherwise barred by a court of competent jurisdiction.

(12) This section does not repeal or modify in any way § 39-15-213, as enacted by Public Chapter 351 of 2019, which shall control upon becoming effective. This section shall remain and be enforceable if, and for so long as, any provisions of § 39-15-213, or any part or parts thereof, are enjoined or otherwise barred by a court of competent jurisdiction.

**39-15-217.**

(a) As used in this section:

(1) "Abortion" has the same meaning as defined in § 39-15-211;

(2) "Down syndrome" means a chromosome disorder associated either with an extra chromosome twenty-one or an effective trisomy for



chromosome twenty-one;

(3) "Medical emergency" has the same meaning as defined in § 39-15-211; provided, that it does not include a claim or diagnosis related to the woman's mental health or a claim or diagnosis that the woman will engage in conduct which would result in her death or substantial and irreversible impairment of a major bodily function; and

(4) "Unborn child" has the same meaning as defined in § 39-15-211.

(b) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman if the person knows that the woman is seeking the abortion because of the sex of the unborn child.

(c) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman if the person knows that the woman is seeking the abortion because of the race of the unborn child.

(d) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman if the person knows that the woman is seeking the abortion because of a prenatal diagnosis, test, or screening indicating Down syndrome or the potential for Down syndrome in the unborn child.

(e)

(1) Subject to compliance with subdivision (e)(2), it is an affirmative defense to criminal prosecution for a violation of a provision of this section that, in the physician's reasonable medical judgment, a medical emergency prevented compliance with the provision.

(2) In order for the affirmative defense in subdivision (e)(1) to apply, a physician who performs or induces, or attempts to perform or induce, an abortion because of a medical emergency must comply with each of the

following conditions unless the medical emergency also prevents compliance with the condition:

(A) The physician who performs or induces, or attempts to perform or induce, the abortion certifies in writing that, in the physician's good faith, reasonable medical judgment, based upon the facts known to the physician at the time, compliance with the provision was prevented by a medical emergency;

(B) The physician certifies in writing the available methods or techniques considered and the reasons for choosing the method or technique employed;

(C) If the unborn child is presumed to be viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician performs or induces, or attempts to perform or induce, the abortion in a hospital. The hospital must have appropriate neonatal services for premature infants unless there is no hospital within thirty (30) miles with neonatal services and the physician who intends to perform or induce the abortion has admitting privileges at the hospital where the abortion is to be performed or induced;

(D) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion terminates or attempts to terminate the pregnancy in the manner that provides the best opportunity for the unborn child to survive, unless that physician determines, in the physician's good faith medical

judgment, based upon the facts known to the physician at the time, that the termination of the pregnancy in that manner poses a significantly greater risk of the death of the pregnant woman or a significantly greater risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman than would other available methods of abortion; and

(E) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion has arranged for the attendance in the same room in which the abortion is to be performed or induced, or attempted to be performed or induced, at least one (1) other physician who is to take control of, provide immediate medical care for, and take all reasonable steps necessary to preserve the life and health of the unborn child immediately upon the child's complete expulsion or extraction from the pregnant woman.

(f) A violation of subsections (b)-(d) is a Class C felony.

(g) A pregnant woman upon whom an abortion is performed or induced, or attempted to be performed or induced, in violation of subsections (b)-(d), is not guilty of violating the subsections, or of attempting to commit or conspiring to commit a violation of the subsections.

(h) When a physician is criminally charged with a violation of this section, the physician shall report the charge to the board of medical examiners in writing within seven (7) calendar days of acquiring knowledge of the charge. The report must include the jurisdiction in which the charge is pending, if known, and must also be accompanied by a

copy of the charging documents, if available. A district attorney general shall promptly notify the board of medical examiners when a physician is charged with a violation of this section.

(i) If any provision of this section or the application thereof to any person, circumstance, or period of gestational age is found to be unenforceable, unconstitutional, or invalid by a court of competent jurisdiction, the same is hereby declared to be severable and the remainder of this section shall remain effective. The general assembly hereby declares that it would have enacted this section and each of its provisions, even if any provision of this section or the application thereof to any person, circumstance, or period of gestational age was later found to be unenforceable, unconstitutional, or invalid.

(j)

(1) It is the specific intent of the general assembly in this section to exercise to the greatest extent permitted by law the legitimate, substantial, and compelling state interest in protecting maternal health, and in preserving, promoting, and protecting life and potential life throughout pregnancy by enacting more protective requirements than provided for under this part as it existed prior to the effective date of this act.

(2) When this section is in direct conflict with this part as it existed prior to the effective date of this act, the more protective requirements of this section control over any less protective provision in this part. This section shall not be construed as a repeal, either express or implied, of any provision of this part as it existed prior to the effective date of this act.

(3) The general assembly specifically intends that this part as it existed prior to the effective date of this act shall remain and be enforceable if, and for so long as, any provisions of this section, or any part or parts thereof, are

enjoined or otherwise barred by a court of competent jurisdiction.

(4) This section does not repeal or modify in any way § 39-15-213, as enacted by Public Chapter 351 of 2019, which shall control upon becoming effective. This section shall remain and be enforceable if, and for so long as, any provisions of § 39-15-213, or any part or parts thereof, are enjoined or otherwise barred by a court of competent jurisdiction.

**39-15-218.**

(a) Notwithstanding any provision of law to the contrary, for purposes of this section:

(1) "Abortion" means the use or prescription of any instrument, medicine, drug, or other substance or device to intentionally:

(A) Kill the unborn child of a woman known to be pregnant; or

(B) Terminate the pregnancy of a woman known to be pregnant, with an intention other than:

(i) After viability, to produce a live birth and preserve the life and health of the child born alive; or

(ii) To remove a dead unborn child;

(2) "Chemical abortion" means the use or prescription of an abortion- inducing drug dispensed with intent to cause the death of the unborn child;

(3) "Medical emergency" means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman as to necessitate the immediate abortion of her pregnancy to avert the death of the pregnant woman or for which a delay will create serious risk of substantial and irreversible physical impairment of a major bodily function,

not including psychological or emotional conditions. No condition is a medical emergency if based on a claim or diagnosis that the woman will engage in conduct that the woman intends to result in the death or in substantial and irreversible physical impairment of a major bodily function of the woman; and

(4) "Stable internet website" means a website that, to the extent reasonably practicable, is safeguarded from having its content altered other than by the department of health.

(b) This section applies to a private office, ambulatory surgical treatment center, as defined in § 68-11-201, or other facility, as defined in § 68-11-201, or clinic, if more than fifty (50) elective abortions were provided in the private office, ambulatory surgical treatment center, facility, or clinic, other than abortions necessary to prevent the death of the pregnant woman, during the previous calendar year. Each private office, ambulatory surgical treatment center, facility, or clinic shall conspicuously post a sign in a location described in subsection (d) in a manner clearly visible to patients, which reads as follows:

**Recent developing research has indicated that mifepristone alone is not always effective in ending a pregnancy. It may be possible to avoid, cease, or even reverse the intended effects of a chemical abortion utilizing mifepristone if the second pill has not been taken. Please consult with a healthcare professional immediately.**

(c) The sign required pursuant to subsection (b) must be printed with lettering that is legible and at least three quarters of an inch (0.75") boldfaced type.

(d) A private office or an ambulatory surgical treatment center shall post the required sign in each patient waiting room and patient consultation room used by patients on whom abortions are performed. A hospital or any other facility that is not a

private office or ambulatory surgical treatment center shall post the required sign in each patient admission area used by patients on whom abortions are performed.

(e) Except in the case of a medical emergency, a chemical abortion involving the two-drug process of dispensing mifepristone first and then misoprostol shall not be performed or induced or attempted to be performed or induced unless the woman is informed by the physician who is to perform the abortion at least forty-eight (48) hours before the abortion, that:

(1) It may be possible to reverse the intended effects of a chemical abortion utilizing mifepristone if the woman changes her mind, but that time is of the essence; and

(2) Information on and assistance with reversing the effects of a chemical abortion utilizing mifepristone is available on the department of health website.

(f) After the first drug involved in the two-drug process is dispensed in a chemical abortion utilizing mifepristone, the physician or an agent of the physician shall provide written medical discharge instructions to the pregnant woman, which must include the following statement:

**Recent developing research has indicated that mifepristone alone is not always effective in ending a pregnancy. It may be possible to avoid, cease, or even reverse the intended effects of a chemical abortion utilizing mifepristone if the second pill has not been taken. Please consult with a healthcare professional immediately.**

(g) When a medical emergency compels the performance of an abortion, the physician shall inform the woman prior to the abortion, if possible, of the medical indications supporting the physician's professional medical judgment that an

abortion is necessary to prevent the woman's death or that a delay of forty-eight (48) hours will create serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions.

(h) Within ninety (90) days after the effective date of this act, the department of health shall publish, in English and in each language that is the primary language of two percent (2%) or more of this state's population, and make available on the department's website as provided in subsection (i), the printed materials required by this subsection in a manner that ensures that the information is easily understood by the general public. The materials must be designed to inform the woman of the possibility of reversing the effects of a chemical abortion utilizing mifepristone if the woman changes her mind and information on and assistance with the resources that may be available to help reverse the effects of a chemical abortion.

(i) The department of health shall develop and maintain a stable internet website to provide the information described in subsection (h). The department shall not collect or retain any information regarding website visitors or users. The department shall monitor the website on a daily basis to prevent and correct tampering. The website must be maintained at a minimum resolution of seventy (70) dots per inch. All pictures appearing on the website must be a minimum of two hundred (200) by three hundred (300) pixels. All letters on the website must be a minimum of twelve-point font. All information and pictures must be accessible with an industry standard browser, requiring no additional plugins.

(j) Any person who knowingly or recklessly performs or induces or attempts to perform or induce an abortion in violation of this section commits a Class E felony. No penalty may be assessed against the woman upon whom the abortion is performed or induced or attempted to be performed or induced. No penalty or civil



liability may be assessed for failure to comply with subdivision (e)(2) unless the department of health has made the information available on the website at the time the physician is required to inform the woman.

(k) The department of health shall assess any private office, ambulatory surgical treatment center, or other facility or clinic that negligently fails to post a sign required by subsection (b) a civil penalty of ten thousand dollars (\$10,000). Each day on which an abortion, other than in the case of a medical emergency, is performed in any private office, ambulatory surgical treatment center, or other facility or clinic during which the required sign is not posted is a separate violation.

(l) Any person upon whom an abortion has been performed that was not in compliance with this section, the father of the unborn child who was the subject of the abortion, or if the woman was younger than eighteen (18) years of age at the time of the chemical abortion or has died as a result of the chemical abortion, the grandparent of the unborn child may bring an action against the person who performed the abortion in knowing or reckless violation of this act for actual and punitive damages. Any person, upon whom an abortion that was in violation of this section has been attempted, may bring an action against the person who attempted to perform the abortion in knowing or reckless violation of this act for actual and punitive damages. A court shall not award damages to a plaintiff if the pregnancy resulted from the plaintiff's criminal conduct.

(m) If judgment is rendered in favor of the plaintiff in any action brought pursuant to this section, then the court shall also award the plaintiff reasonable attorney's fees. If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, then the court shall

award the defendant reasonable attorney's fees.

(n) In each civil or criminal proceeding brought under this section, the court shall rule whether the anonymity of any woman upon whom an abortion has been performed or attempted must be preserved from public disclosure if the woman does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that the woman's anonymity must be preserved, shall issue orders to the parties, witnesses, and counsel and direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard the woman's identity from public disclosure. The order must be accompanied by specific written findings explaining why the anonymity of the woman must be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable, less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or attempted, anyone who brings an action under subsection (1) shall do so under a pseudonym. This section must not be construed to conceal the identity of the plaintiff or witnesses from the defendant.

(o) This section does not affect a provider's legal obligations pursuant to § 39-15-202.

SECTION 3. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

SECTION 4. Section 39-15-218 of this act shall take effect October 1, 2020, the public welfare requiring it. All other remaining provisions of this act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Zachary moved previous question, which motion prevailed.

Rep. Lynn moved that the House concur in Senate Amendment No. 3 to **House Bill No. 2263**, which motion prevailed by the following vote:

Ayes .....	70
Noes.....	20
Present and not voting.....	1

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Casada, Cepicky, Cochran, Coley, Crawford, Curcio, DeBerry, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Grills, Halford, Hall, Haston, Hawk, Helton, Hicks, Hill M, Hill T, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Sherrell, Smith, Sparks, Tillis, Todd, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--70

Representatives voting no were: Beck, Chism, Clemmons, Dixie, Freeman, Hakeem, Hardaway, Hodges, Johnson G, Lamar, Love, Miller, Mitchell, Parkinson, Powell, Shaw, Staples, Stewart, Thompson, Towns--20

Representatives present and not voting were: Hazlewood--1

A motion to reconsider was tabled.

**CONSENT CALENDAR NO. 4**

**\*Senate Joint Resolution No. 1352** -- Memorials, Recognition - Americans with Disabilities Act, thirtieth anniversary. by \*Massey, \*Akbari, \*Bailey, \*Bell, \*Bowling, \*Briggs, \*Crowe, \*Dickerson, \*Gardenhire, \*Gilmore, \*Gresham, \*Haile, \*Hensley, \*Jackson, \*Johnson, \*Kelsey, \*Kyle, \*Niceley, \*Pody, \*Powers, \*Reeves, \*Roberts, \*Robinson, \*Rose, \*Southerland, \*Stevens, \*Watson, \*White, \*Yager, \*Yarbro, \*McNally.

**\*Senate Joint Resolution No. 1353** -- Memorials, Recognition - The Bakery Box and It's A Pear Catering. by \*Roberts.

**\*Senate Joint Resolution No. 1354** -- Memorials, Death - Anna Shepherd. by \*Yarbro, \*Gilmore.

**\*Senate Joint Resolution No. 1357** -- Memorials, Recognition - Phelan Story, Maytag Dependable Leader Award. by \*Southerland, \*Crowe.

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

**\*Senate Joint Resolution No. 1358** -- Memorials, Death - Judge John K. Wilson. by \*Southerland, \*Crowe.

**\*Senate Joint Resolution No. 1400** -- Memorials, Death - Dorothy Mabry. by \*Gresham.

**\*Senate Joint Resolution No. 1401** -- Memorials, Recognition - Nashville State Community College, East Davidson Campus. by \*Johnson, \*Gilmore.

**\*Senate Joint Resolution No. 1402** -- Memorials, Recognition - Honey Alexander Center. by \*Johnson, \*Gilmore.

**\*Senate Joint Resolution No. 1403** -- Memorials, Recognition - Goodwill Career Solutions Center. by \*Johnson.

**\*Senate Joint Resolution No. 1404** -- Memorials, Retirement - Assistant Chief Tommy Walsh, Brentwood Police Department. by \*Johnson.

**\*Senate Joint Resolution No. 1405** -- Memorials, Recognition - Tri-Cities Military Affairs Council. by \*Crowe.

**CONSENT CALENDAR NO. 5**

**House Resolution No. 375** -- Memorials, Recognition - Christine Devereaux "Dev" Treanor Davis. by \*Parkinson.

**\*Senate Joint Resolution No. 1406** -- Memorials, Death - Officer Destin Legieza, Brentwood Police Department. by \*Johnson, \*Akbari, \*Bailey, \*Bell, \*Bowling, \*Briggs, \*Crowe, \*Dickerson, \*Gardenhire, \*Gilmore, \*Gresham, \*Haile, \*Hensley, \*Jackson, \*Kelsey, \*Kyle, \*Massey, \*Niceley, \*Pody, \*Powers, \*Reeves, \*Roberts, \*Robinson, \*Rose, \*Southerland, \*Stevens, \*Watson, \*White, \*Yager, \*Yarbro, \*McNally.

Pursuant to **Rule No. 50**, Rep. Zachary moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate Joint Resolutions confirming appointments on the Clerk's desk be substituted for House Joint Resolutions confirming the same appointments, all Senate and House Bills on the Consent Calendars Nos. 4 and 5 be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendars Nos. 4 and 5 be concurred in, which motion prevailed by the following vote:

Ayes ..... 91  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Casada, Cepicky, Chism, Clemmons, Cochran, Coley, Crawford, Curcio, Daniel,

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Grills, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Thompson, Tillis, Todd, Towns, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--91

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Lamberth moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 1247 out of order, which motion prevailed.

**\*House Joint Resolution No. 1247** -- General Assembly, Adjournment - Adjourns sine die 111th General Assembly on Friday, June 19, 2020. by \*Lamberth.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Lamberth, the resolution was adopted.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE MESSAGES**

**\*House Bill No. 1699** -- Insurance, Health, Accident - As introduced, makes various changes to the law concerning the electronic delivery of health care and its coverage under insurance policies. - Amends TCA Title 56 and Section 63-1-155. by \*Smith, \*Moon, \*Carr, \*Garrett, \*Hall, \*Hicks, \*Gant, \*Halford, \*Hill T, \*Terry, \*Howell, \*Crawford, \*Sherrell, \*Eldridge, \*Lafferty, \*Hurt, \*Miller, \*Todd, \*Hazlewood, \*Marsh, \*Hawk, \*Wright, \*Holsclaw, \*Calfee, \*Keisling, \*Helton, \*Whitson, \*DeBerry, \*Powers, \*Farmer, \*Doggett, \*Bricken, \*Ogles, \*Ragan, \*Carter, \*Moody, \*Sexton J, \*Faison, \*Lamberth, \*Kumar, \*Lynn, \*Reedy, \*Russell, \*Casada, \*Jernigan, \*Vaughan, \*Leatherwood, \*Ramsey, \*Sexton C, \*Curcio, \*White, \*Sparks, \*Staples, \*Weaver, \*Hakeem, \*Beck, \*Haston, \*Hulsey, \*Van Huss, \*Daniel, \*Cepicky, \*Coley, \*Johnson C, \*Rudder, \*Tillis, \*Hardaway, \*Freeman, \*Love, \*Powell, \*Baum, \*Byrd, \*Holt, \*Dunn, \*Camper, \*Littleton, \*Griffey, \*Hill M, \*Clemmons, \*Lamar. (SB1892 by \*Swann, \*White, \*Gilmore, \*Pody, \*Bailey, \*Crowe, \*Gresham, \*Jackson, \*Johnson, \*Massey, \*Niceley, \*Reeves, \*Rose, \*Watson)

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 1699**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1699 (Senate Bill No. 1892) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 56-7-1002, is amended by adding the following as a new subsection (h) and redesignating the existing subsection (h) accordingly:

(h) Telehealth is subject to utilization review under the Health Care Service Utilization Review Act, compiled in chapter 6, part 7 of this title.

SECTION 2. Tennessee Code Annotated, Section 56-7-1002(a), is amended by adding the following as a new subdivision:

( ) "Originating site" means the location where a patient is located pursuant to subdivision (a)(6)(A) and that originates a telehealth service to another qualified site;

SECTION 3. Tennessee Code Annotated, Section 56-7-1002(f), is amended by deleting the subsection.

SECTION 4. Tennessee Code Annotated, Section 56-7-1002(h), is amended by deleting the subsection and substituting the following:

(h)

(1) This section does not apply to accident-only, specified disease, hospital indemnity, plans described in § 1251 of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended and § 2301 of the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, as amended (both in 42 U.S.C. § 18011), plans governed by the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. § 1001 et seq.), medicare supplement, disability income, long-term care, or other limited benefit hospital insurance policies.

(2) This section does apply to the basic health plans authorized under title 8, chapter 27, parts 1, 2, 3, and 7.

SECTION 5. Tennessee Code Annotated, Section 56-7-1002, is amended by adding the following as new subsections:

(i) A health insurance entity shall reimburse an originating site hosting a patient as part of a telehealth encounter an originating site fee in accordance with the federal centers for medicare and medicaid services telehealth services rule 42 C.F.R. § 410.78 and at an amount established prior to the effective date of this act by the federal centers for medicare and medicaid services.

(j) This section does not require:

(1) A health insurance entity to provide coverage for healthcare services that are not medically necessary, subject to the terms and conditions of an applicable health insurance policy;

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(2) A health insurance entity to provide coverage for healthcare services delivered by means of telehealth if the applicable health insurance policy would not provide coverage for the same healthcare services if delivered by in-person means; or

(3) A health insurance entity to reimburse a healthcare services provider for healthcare services delivered by means of telehealth if the applicable health insurance policy would not reimburse that healthcare services provider if the same healthcare services had been delivered by in-person means.

SECTION 6. Tennessee Code Annotated, Section 56-7-1003, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Health insurance entity" has the same meaning as defined in § 56-7-109 and includes managed care organizations participating in the medical assistance program under title 71, chapter 5;

(2) "Healthcare services" has the same meaning as defined in § 56-61-102;

(3) "Healthcare services provider" means an individual acting within the scope of a valid license issued pursuant to title 63 or any state-contracted crisis service provider employed by a facility licensed under title 33;

(4) "Healthcare system" means two (2) or more healthcare organizations as defined in § 63-1-150, that are affiliated through shared ownership or pursuant to a contractual relationship that controls payment terms and service delivery;

(5) "Practice group" means two (2) or more healthcare services providers that share a common employer for the purposes of the healthcare services providers' clinical practice;

(6) "Provider-based telemedicine":

(A) Means the use of Health Insurance Portability and Accessibility Act (HIPAA) (42 U.S.C. § 1320d et seq.) compliant real-time, interactive audio, video telecommunications, or electronic technology, or store-and-forward telemedicine services, used over the course of an interactive visit by a healthcare services provider to deliver healthcare services to a patient within the scope of practice of the healthcare services provider when:

(i) The healthcare services provider is at a qualified site other than the site where the patient is located and has access to the relevant medical record for that patient;

(ii) The patient is located at a location the patient deems appropriate to receive the healthcare service that is equipped to engage in the telecommunication described in this section; and

(iii) The healthcare services provider makes use of HIPAA compliant real-time, interactive audio, video telecommunications or electronic technology, or store-and-forward telemedicine services to deliver healthcare services to a patient within the scope of practice of the healthcare services provider as long as the healthcare services provider, the healthcare services provider's practice group, or the healthcare system has established a provider-patient relationship by submitting to a health insurance entity evidence of an in-person encounter between the healthcare service provider, the healthcare services provider's practice group, or the healthcare system and the patient within sixteen (16) months prior to the interactive visit; and

(B) Does not include:

(i) An audio-only conversation;

(ii) An electronic mail message or phone text message;

(iii) A facsimile transmission;

(iv) Remote patient monitoring; or

(v) Healthcare services provided pursuant to a contractual relationship between a health insurance entity and an entity that facilitates the delivery of provider-based telemedicine as the substantial portion of the entity's business;

(7) "Qualified site" means the primary or satellite office of a healthcare services provider, a hospital licensed under title 68, a facility recognized as a rural health clinic under federal medicare regulations, a federally qualified health center, a facility licensed under title 33, or any other location deemed acceptable by the health insurance entity; and

(8) "Store and forward telemedicine services":

(A) Means the use of asynchronous computer-based communications between a patient and healthcare services provider at a distant site for the purpose of diagnostic and therapeutic assistance in the care of patients; and

(B) Includes the transferring of medical data from one (1) site to another through the use of a camera or similar device that records or stores an image that is sent or forwarded via telecommunication to another site for consultation.



(b) Healthcare services provided through a provider-based telemedicine encounter must comply with state licensure requirements promulgated by the appropriate licensure boards. Provider-based telemedicine providers are held to the same standard of care as healthcare services providers providing the same healthcare service through in-person encounters.

(c) A provider-based telemedicine provider who seeks to contract with or who has contracted with a health insurance entity to participate in the health insurance entity's network is subject to the same requirements and contractual terms as any other healthcare services provider in the health insurance entity's network.

(d) A health insurance entity:

(1) Shall provide coverage under a health insurance policy or contract for covered healthcare services delivered through provider-based telemedicine;

(2) Shall reimburse a healthcare services provider for a healthcare service covered under an insured patient's health insurance policy or contract that is provided through provider-based telemedicine without any distinction or consideration of the geographic location or any federal, state, or local designation, or classification of the geographic area where the patient is located;

(3) Shall not exclude from coverage a healthcare service solely because it is provided through provider-based telemedicine and is not provided through an in-person encounter between a healthcare services provider and a patient; and

(4) Shall reimburse healthcare services providers who are out-of-network for provider-based telemedicine care services under the same reimbursement policies applicable to other out-of-network healthcare services providers.

(e) A health insurance entity shall provide coverage for healthcare services provided during a provider-based telemedicine encounter in a manner that is consistent with what the health insurance policy or contract provides for in-person encounters for the same service, and shall reimburse for healthcare services provided during a provider-based telemedicine encounter without distinction or consideration of the geographic location, or any federal, state, or local designation or classification of the geographic area where the patient is located.

(f) This section does not require a health insurance entity to pay total reimbursement for a provider-based telemedicine encounter in an amount that exceeds the amount that would be paid for the same service provided by a healthcare services provider for an in-person encounter.

(g) This section does not require:

(1) A health insurance entity to provide coverage for healthcare services that are not medically necessary, subject to the terms and conditions of an applicable health insurance policy;

(2) A health insurance entity to provide coverage for healthcare services delivered by means of provider-based telemedicine if the applicable health insurance policy would not provide coverage for the same healthcare services if delivered by in-person means; or

(3) A health insurance entity to reimburse a healthcare services provider for healthcare services delivered by means of provider-based telemedicine if the applicable health insurance policy would not reimburse that healthcare services provider if the same healthcare services had been delivered by in-person means.

(h) Any provisions not required by this section are governed by the terms and conditions of the health insurance policy or contract.

(i) Provider-based telemedicine is subject to utilization review under the Health Care Service Utilization Review Act, compiled in chapter 6, part 7 of this title.

(j)

(1) This section does not apply to accident-only, specified disease, hospital indemnity, plans described in § 1251 of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended and § 2301 of the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, as amended (both in 42 U.S.C. § 18011), plans governed by the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. § 1001 et seq.), medicare supplement, disability income, long-term care, or other limited benefit hospital insurance policies.

(2) This section does apply to the basic health plans authorized under title 8, chapter 27, parts 1, 2, 3, and 7.

SECTION 7. Tennessee Code Annotated, Title 56, Chapter 7, Part 10, is amended by adding the following as a new section:

(a) As used in this section, "remote patient monitoring services" means using digital technologies to collect medical and other forms of health data from a patient and then electronically transmitting that information securely to healthcare providers in a different location for interpretation and recommendation.

(b) A health insurance entity may consider any remote patient monitoring service a covered medical service if the same service is covered by medicare. The appropriate parties may negotiate the rate for these services in the manner in which is deemed appropriate by the parties.

(c) Reimbursement of expenses for covered remote patient monitoring services must be established through negotiations conducted by the health insurance entity with the healthcare services provider in the same manner as the health insurance entity establishes reimbursement of expenses for covered healthcare services that are delivered by in-person means.

**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

(d) Remote patient monitoring services are subject to utilization review under the Health Care Service Utilization Review Act, compiled in chapter 6, part 7 of this title.

(e) This section does not apply to a health incentive program operated by a health insurance entity that utilized an electronic device for physiological monitoring.

SECTION 8. Tennessee Code Annotated, Title 56, Chapter, 7, Part 10, is amended by adding the following as a new section:

(a) Notwithstanding § 56-7-1002(e) a health insurance entity shall provide coverage and reimbursement for healthcare services provided during a telehealth encounter in a manner that is consistent with what the health insurance policy or contract provides for in-person encounters for the same service, and shall reimburse for healthcare services provided during a telehealth encounter without distinction or consideration of the geographic location, or any federal, state, or local designation or classification of the geographic area where the patient is located.

(b) Notwithstanding § 56-7-1003(e), a health insurance entity shall provide coverage and reimbursement for healthcare services provided during a provider-based telemedicine encounter in a manner that is consistent with what the health insurance policy or contract provides for in-person encounters for the same service, and shall reimburse for healthcare services provided during a provider-based telemedicine encounter without distinction or consideration of the geographic location, or any federal, state, or local designation or classification of the geographic area where the patient is located.

(c) Reimbursement made pursuant to this section is subject to utilization review under the Health Care Service Utilization Review Act, compiled in title 56, chapter 6, part 7.

(d) This section does not require a health insurance entity to provide reimbursement for healthcare services that are not medically necessary.

(e) This section is repealed on January 1, 2022.

SECTION 9. Tennessee Code Annotated, Section 63-1-155(a), is amended by deleting the subsection and substituting instead the following:

(1) "Healthcare provider" means:

(A) Any provider licensed under this title; or

(B) Any state-contracted crisis service provider that is employed by a facility licensed under title 33; and

(2) Notwithstanding any restriction imposed by §§ 56-7-1002 and 56-7-1003, "telehealth," "telemedicine," and "provider-based telemedicine":

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

(A) Mean the use of real time audio, video, or other electronic media and telecommunication technology that enables interaction between a healthcare provider and a patient; and

(B) Include store-and-forward telemedicine services as defined in § 56-7-1002, for the purpose of diagnosis, consultation, or treatment of a patient at a distant site where there may be no in-person exchange between a healthcare provider and a patient;

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it, and applies to insurance policies or contracts issued, entered into, renewed, or amended on or after the effective date of this act.

/s/ Senator Paul Bailey, Chair

/s/ Representative Robin Smith, Chair

/s/ Senator Ferrell Haile

/s/ Representative Bob Freeman

/s/ Senator Jeff Yarbrow

/s/ Representative Matthew Hill

Rep. Smith moved that the Report of the Conference Committee on **House Bill No. 1699** be adopted and made the action of the house, which motion prevailed by the following vote:

Ayes ..... 89

Noes..... 0

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Casada, Cepicky, Chism, Clemmons, Cochran, Coley, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Grills, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--89

A motion to reconsider was tabled.

**EXCUSED**

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

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Representative Parkinson

Representative Kumar

Representative Holsclaw

**MESSAGE FROM THE SENATE  
June 18, 2020**

MR. SPEAKER: I am directed to transmit to the House, SB2381. Senate Bill No. 2381; The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**HOUSE ACTION ON SENATE MESSAGES**

**\*Senate Bill No. 2381** -- Civil Procedure - As introduced, changes, from not less than five days to not less than seven days before a hearing, the time the opposing party has to file a response to a petition under the Tennessee Public Participation Act. - Amends TCA Title 1; Title 5; Title 6; Title 7; Title 8; Title 9; Title 20; Title 27; Title 28; Title 29; Title 47 and Title 49. by \*Bell, \*Kelsey, \*Reeves, \*Yager, \*Bailey, \*Crowe, \*Gardenhire, \*Gresham, \*Johnson, \*Lundberg, \*Pody, \*Rose, \*Stevens, \*Hensley. (HB2623 by \*Curcio, \*Casada, \*Weaver, \*Griffey, \*Littleton, \*Zachary, \*Terry, \*Gant, \*Freeman, \*Todd, \*Shaw, \*Rudd, \*Garrett, \*Bricken, \*Boyd, \*Sherrell, \*Byrd, \*Smith, \*Marsh, \*Daniel, \*Calfee, \*Moon, \*Powers, \*Helton, \*White)

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL NO. 2381**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 2381 (House Bill No. 2623) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, is amended by adding Sections 2 through 8 as a new part.

SECTION 2. This part shall be known and may be cited as the "Tennessee Recovery and Safe Harbor Act."

SECTION 3. As used in this part:

(1) "Coronavirus" means both the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, for which the governor issued Executive Order Number 14 declaring a state of emergency, including any mutation of the virus or disease that is the subject of a declared public health emergency pursuant to § 58-2-107;

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(2) "Covered entity" means the following entities, organizations, and any employee, volunteer, independent contractor, and subcontractor of the entity:

(A) A person, including an individual, sole proprietorship, corporation, limited liability company, partnership, trust, religious organization, association, nonprofit organization described in § 501(c) of the Internal Revenue Code that is exempt from federal income taxation under § 501(a) of the Internal Revenue Code, 26 U.S.C. § 501(a), or any other legal entity whether formed as a for-profit or not-for-profit entity pursuant to title 48;

(B) A healthcare provider; and

(C) A school, including a child care agency, as defined in § 71-3-501, child care program, as defined in § 49-1-1102, preschool, nursery school, kindergarten, elementary school, secondary school, or postsecondary institution that is authorized or exempt under title 49, chapter 7, but not including a public school as defined by § 49-6-3001 or public postsecondary institution;

(3) "Health emergency claim" means any claim that proximately arises from:

(A) The actual, alleged, or possible exposure to or contraction of coronavirus from a covered entity's operations, products, or services, whether provided on or off the premises of the covered entity; or

(B) The covered entity's actions in response to coronavirus including:

(i) Implementing policies and procedures to prevent or minimize the spread of coronavirus;

(ii) Testing;

(iii) Monitoring, collecting, reporting, tracking, tracing, disclosing, or investigating coronavirus exposure or other coronavirus-related information;

(iv) Using, designing, manufacturing, providing, donating, or servicing precautionary, diagnostic, collection, or other health equipment or supplies, such as personal protective equipment;

(v) Closing, partially closing, or modifying a covered entity pursuant to public health guidance or to prevent or minimize the spread of coronavirus;

(vi) Delaying or modifying the schedule or performance of any medical procedure in response to public health guidance; or

(vii) Providing services or products in response to government appeal or the covered entity's repurposing operations to address an

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urgent need for personal protective equipment, sanitation products, or other products necessary to protect the public;

(4) "Healthcare provider" means:

(A) A healthcare provider that is licensed, certified, or authorized under title 33, 63, or 68 to provide healthcare or support services, or that is licensed to provide healthcare services under federal law, and any support personnel employed by or contracted with such provider;

(B) A student, intern, or resident acting under the supervision of a licensed healthcare provider for the discipline in which the student, intern, or resident is engaged; and

(C) Any medical or healthcare professional, individual, support personnel, or entity holding a license, registration, permit, certification, or approval pursuant to an executive order, including a temporary emergency license, registration, permit, certification, or approval, to practice a healthcare profession or occupation in this state, including under the Public Readiness and Emergency Preparedness Act and the final version of the U.S. Department of Homeland Security Cybersecurity and Infrastructure Security Agency Guidance on Essential Critical Infrastructure Workers, and any declaration of the federal department of health and human services in accordance with such act, under any emergency proclamation, order, or rule, adopted by a licensing board or agency pursuant to an authorizing emergency proclamation or executive order, or otherwise in response to the coronavirus; and

(5) "Public health guidance" means any of the following that is related to coronavirus and applicable to the covered entity:

(A) Guidance or direction provided in any plan, order, rule, request, or guidelines issued by:

(i) The president of the United States;

(ii) The federal or state government;

(iii) A local government, as authorized by the state government;

(iv) The federal centers for disease control and prevention;

(v) The department of homeland security;

(vi) An applicable federal or state occupational safety and health administration;

(vii) The governor;

(viii) The department of health; or

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(ix) A public health department, as authorized by state government; or

(B) Guidance from or approved by any government agency or appointed taskforce or workgroup or medical specialty society accredited by the American Board of Medical Societies that is applicable to a covered entity and healthcare provider or to the health emergency claim at issue.

**SECTION 4.**

(a)

(1) In a health emergency claim, the claimant must plead specific facts with particularity from which a finder of fact could reasonably conclude that the harm alleged was caused by the covered entity's gross negligence or willful misconduct and, if public health guidance applicable to the covered entity had been issued, that the covered entity did not substantially comply with any public health guidance applicable to the covered entity.

(2) In a health emergency claim based on exposure to or contraction of coronavirus as a result of gross negligence or willful misconduct:

(A) The claimant must file a verified complaint; or

(B) The claimant or the claimant's counsel must file a certificate of good faith with the complaint stating that the claimant or claimant's counsel has consulted with one (1) or more experts who have provided a signed written statement confirming that the expert is competent to express an opinion on exposure to or contraction of coronavirus and, upon information and belief, the expert believes there is a good faith basis for maintaining the claim.

(3) The failure of a claimant to file a verified complaint or certificate of good faith, if required by subdivision (a)(2), makes upon motion, the action subject to dismissal with prejudice.

(b)

(1) Notwithstanding any law to the contrary, a covered entity is not liable for damages, injury, or death that results from, or in connection with, a health emergency claim unless the claimant proves by clear and convincing evidence that:

(A) The covered entity caused the damages, injury, or death by acting with gross negligence or willful misconduct; and

(B) If public health guidance applicable to the covered entity had been issued, the covered entity did not substantially comply with any public health guidance applicable to the covered entity.

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

(2) In addition to the limitation of liability provided under subdivision (b)(1), and notwithstanding any law to the contrary, a healthcare provider is not liable for any injury or death alleged to have been caused by an act or omission of the healthcare provider during the provision of healthcare services or treatment if the act or omission was caused by a lack of resources due to the coronavirus unless the lack of resources resulted from the healthcare provider's gross negligence or willful misconduct.

(c) In any action brought under this section, the plaintiff bears the burden of proof to demonstrate the specific act or omission by the covered entity that constitutes gross negligence or willful misconduct.

SECTION 5. This part does not amend, repeal, or limit any immunity, defense, or right that exists under current law or any contract that applies to a covered entity in a cause of action filed on or after March 5, 2020, the date of the first confirmed case of coronavirus reported by the department of health. The limitation of liability provided by this part is intended to be in addition to any other immunity, defense, and right that exist under current law or contract.

SECTION 6. This part must be construed in conjunction with the Facilitating Business Rapid Response to State-Declared Disaster Act, compiled in title 58, chapter 2, and any emergency order or proclamation issued by the governor relating to the coronavirus and civil liability.

SECTION 7. This part does not:

- (1) Create a cause of action;
- (2) Eliminate a required element of any existing cause of action;
- (3) Affect workers' compensation claims, under the Workers' Compensation Law, compiled in title 50, chapter 6, including the exclusive application of such law; or
- (4) Amend, repeal, alter, or affect any immunity or limitation of liability available under current law.

SECTION 8.

(a) This part applies to all causes of action accruing on or after March 5, 2020, the first confirmed case of coronavirus reported by the department of health.

(b) This part remains in effect until July 1, 2022. Any health emergency claim in which the act or omission occurred while this part is in effect is subject to the provisions of this part in perpetuity.

SECTION 9. Tennessee Code Annotated, Section 29-20-205, is amended by adding the following as a new subdivision:

(10) Or in connection with any loss, illness, or injury occurring before July 1, 2022, caused directly or indirectly by the coronavirus, as defined in Section 3, or as a  
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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

result of action or inaction by any governmental entity or any of the entity's employees in response to or related to the coronavirus, unless the loss, illness, or injury was caused by gross negligence or willful and wanton misconduct of the governmental entity or the entity's employees. In any cause of action brought pursuant to this subdivision (10), the claimant must prove gross negligence or willful and wanton misconduct by the governmental entity or the entity's employees by clear and convincing evidence.

SECTION 10. Tennessee Code Annotated, Section 29-20-310, is amended by adding the following as a new subsection:

(f) No claim may be brought against an employee or judgment entered against an employee for injury proximately caused by an act or omission of the employee within the employee's scope of employment in connection with any loss, illness, or injury occurring before July 1, 2022, caused directly or indirectly by the coronavirus, as defined in Section 3, unless the act or omission of the employee was willful, malicious, criminal, or performed for personal financial gain. In any cause of action brought pursuant to this subsection (f), the claimant must prove that the act or omission of the employee was willful, malicious, criminal, or performed for personal financial gain by clear and convincing evidence.

SECTION 11. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

A public postsecondary institution is not liable for any act or omission by the institution or the institution's employees or agents that results in alleged or actual exposure to, contraction of, or illness or death arising from coronavirus, as defined in Section 3, unless the exposure, contraction, illness, or death was caused by gross negligence or reckless or willful misconduct of the institution or the institution's employees. In any cause of action brought pursuant to this section, the claimant must prove that act or omission of the institution or the institution's employee constituted gross negligence or reckless and willful misconduct by clear and convincing evidence.

SECTION 12. Tennessee Code Annotated, Section 9-8-307, is amended by adding the following as a new subsection:

Notwithstanding any provision of this chapter to the contrary, the state does not waive sovereign immunity for civil liability for any act or omission by the state or any employee or agent of the state that results in alleged or actual exposure to, contraction of, or illness or death arising from coronavirus, as defined in Section 3, unless the exposure, contraction, illness, or death was caused by gross negligence or reckless or willful misconduct of the state or the state's employee or agent. In any cause of action brought pursuant to this section, the claimant must prove that act or omission of the state or the state's employee or agent constituted gross negligence or reckless and willful misconduct by clear and convincing evidence.

SECTION 13. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

SECTION 14. This act shall take effect upon becoming a law, the public welfare requiring it, and unless otherwise prohibited by the United States or Tennessee constitution, it is the intent of the general assembly that this act apply to all causes of action accruing on or after the first confirmed coronavirus case reported by the department of health on March 5, 2020. This act shall cease to be effective July 1, 2022.

/s/ Senator Mike Bell

/s/ Representative Michael G. Curcio

/s/ Senator Dolores Gresham

/s/ Representative Rush Bricken

/s/ Senator Bill Powers

/s/ Representative Andrew Farmer

/s/ Senator John Stevens

/s/ Representative Johnny Shaw

Rep. Weaver moved the previous question, which motion failed by the following vote:

Ayes .....	49
Noes.....	37

Representatives voting aye were: Baum, Calfee, Casada, Cepicky, Chism, Clemmons, Coley, Crawford, Dixie, Eldridge, Faison, Freeman, Griffey, Hakeem, Hall, Hardaway, Haston, Hawk, Hicks, Hodges, Howell, Johnson C, Johnson G, Lamberth, Love, Lynn, Marsh, Miller, Mitchell, Ogles, Powell, Powers, Ragan, Ramsey, Reedy, Rudder, Russell, Sexton J, Shaw, Sparks, Staples, Stewart, Thompson, Towns, Weaver, White, Whitson, Williams, Wright--49

Representatives voting no were: Boyd, Bricken, Byrd, Carr, Carter, Cochran, Curcio, Daniel, DeBerry, Doggett, Dunn, Farmer, Gant, Garrett, Grills, Halford, Hazlewood, Helton, Hill M, Hill T, Holt, Hulse, Hurt, Keisling, Lamar, Leatherwood, Littleton, Moody, Rudd, Sherrell, Smith, Tillis, Todd, Van Huss, Vaughan, Windle, Zachary--37

After further discussion, Rep. Towns moved the previous question, which motion prevailed.

Rep. Curcio moved that the Report of the Conference Committee on **Senate Bill No. 2381** be adopted and made the action of the house, which motion failed by the following vote:

Ayes .....	46
Noes.....	36
Present and not voting.....	6

Representatives voting aye were: Baum, Boyd, Bricken, Calfee, Carr, Casada, Cepicky, Cochran, Crawford, Daniel, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Grills, Halford, Hall, Haston, Hawk, Helton, Hicks, Hill M, Hill T, Howell, Hurt, Keisling, Leatherwood, Lynn, Marsh, Moon, Powers, Ramsey, Russell, Sexton J, Smith, Tillis, Todd, Vaughan, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Sexton--46

Representatives voting no were: Beck, Byrd, Carter, Chism, Clemmons, Coley, Curcio, Dixie, Garrett, Griffey, Hakeem, Hardaway, Hazlewood, Hodges, Holt, Johnson C, Johnson G, Lamar, Lamberth, Love, Miller, Mitchell, Moody, Ogles, Powell, Ragan, Reedy, Sherrell, Sparks, Staples, Stewart, Thompson, Towns, Van Huss, Weaver, Wright--36

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

Representatives present and not voting were: DeBerry, Freeman, Hulse, Littleton, Rudd, Rudder--6

**CHAIR TO SPEAKER PRO TEMPORE**

Speaker Sexton relinquished the chair to Speaker Pro Tempore Dunn.

**REGULAR CALENDAR FROM JUNE 18, 2020, CONTINUED**

**SPECIAL ORDER**

Without objection, Rep. Van Huss moved to take House Resolution No. 340, out of order at this time as follows:

**House Resolution No. 340** -- Memorials, Congratulations - Memorializes the mainstream media for sensationalism to advance their political agendas. by \*Van Huss.

Further consideration of House Resolution No. 340, previously considered on June 15, 2020 and June 16, 2020, at which time it was reset for today's Calendar.

Rep. Van Huss moved adoption of House Resolution No. 340.

**RESOLUTION READ**

The Clerk read House Resolution No. 340.

Rep. Van Huss moved adoption of **House Resolution No. 340**, which motion prevailed by the following vote:

Ayes .....	55
Noes.....	19
Present and not voting.....	4

Representatives voting aye were: Baum, Boyd, Byrd, Calfee, Carter, Casada, Cepicky, Cochran, Crawford, Curcio, Doggett, Dunn, Eldridge, Faison, Gant, Garrett, Griffey, Grills, Halford, Hall, Haston, Helton, Hicks, Hill M, Hill T, Holt, Howell, Hulse, Hurt, Keisling, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moody, Moon, Ogles, Powers, Ragan, Rudd, Rudder, Russell, Sexton J, Sherrell, Sparks, Tillis, Todd, Van Huss, Vaughan, Weaver, White, Williams, Wright, Zachary--55

Representatives voting no were: Beck, Chism, Clemmons, Dixie, Hakeem, Hardaway, Hodges, Johnson G, Lamar, Love, Miller, Mitchell, Powell, Shaw, Staples, Stewart, Thompson, Towns, Whitson--19

Representatives present and not voting were: Bricken, Carr, Daniel, Windle--4

A motion to reconsider was tabled.

**SPECIAL ORDER**

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

Without objection, Rep. Faison moved to take House Resolution No. 363, out of order at this time as follows:

**House Resolution No. 363** -- Memorials, Public Service - Members of the Tennessee Highway Patrol and Tennessee National Guard who protect the State Capitol. by \*Faison, \*Lamberth, \*Sexton C, \*Zachary, \*Williams, \*Todd, \*Ogles, \*Windle, \*Towns, \*Holt, \*Coley, \*Eldridge, \*Reedy, \*Moon, \*Lafferty, \*Marsh, \*Helton, \*Keisling, \*Hill M, \*Weaver, \*Carr, \*Littleton, \*Daniel, \*Dunn, \*Curcio, \*Crawford, \*Hulsey, \*Smith, \*Russell, \*Baum, \*Rudd, \*Wright, \*Sherrell, \*Grills, \*Sexton J, \*Boyd, \*Whitson, \*Carter, \*Powers, \*Griffey, \*Moody, \*Doggett, \*Hurt.

Rep. Faison moved adoption of **House Resolution No. 363**, which motion prevailed by the following vote:

Ayes ..... 78  
Noes..... 0

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Casada, Cepicky, Chism, Cochran, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Grills, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Helton, Hicks, Hill M, Hill T, Holt, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Miller, Moody, Moon, Ogles, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Thompson, Tillis, Todd, Towns, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--78

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Resolution No. 363** and have this statement entered in the Journal: Reps. Howell and Hazlewood.

**SPECIAL ORDER**

Without objection, Rep. Weaver moved to take House Resolution No. 365, out of order at this time as follows:

**House Resolution No. 365** -- Memorials, Government Officials - Honors Secretary of State Tre Hargett. by \*Weaver, \*Ragan, \*Daniel, \*Littleton, \*Griffey, \*Doggett, \*Sexton J, \*White, \*Hulsey, \*Byrd, \*Smith, \*Moody, \*Dunn, \*Faison, \*Boyd, \*Keisling, \*Lynn, \*Ogles, \*Cepicky, \*Terry, \*Rudder, \*Hill M, \*Kumar, \*Lamberth, \*Hill T, \*Van Huss, \*Lafferty, \*Wright, \*Halford, \*Moon, \*Gant, \*Carter, \*Powers, \*Rudd, \*Baum, \*Carr, \*Tillis, \*Crawford, \*Casada, \*Sherrell, \*Hurt, \*Coley, \*Williams, \*Hicks, \*Marsh, \*Holt, \*Cochran, \*Leatherwood.

Rep. Weaver moved adoption of House Resolution No. 365.

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**RESOLUTION READ**

The Clerk read House Resolution No. 365.

Rep. Weaver moved adoption of **House Resolution No. 365**, which motion prevailed by the following vote:

Ayes ..... 70  
Noes..... 15

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Casada, Cepicky, Cochran, Coley, Crawford, Curcio, Daniel, DeBerry, Doggett, Dunn, Eldridge, Faison, Gant, Garrett, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Holt, Howell, Hurt, Johnson C, Keisling, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Tillis, Todd, Towns, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--70

Representatives voting no were: Beck, Clemmons, Dixie, Hakeem, Hardaway, Hodges, Johnson G, Lamar, Love, Miller, Mitchell, Powell, Staples, Stewart, Thompson--15

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Resolution No. 365** and have this statement entered in the Journal: Rep. Hulsey.

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "present and not voting" on **House Resolution No. 365** and have this statement entered in the Journal: Rep. Towns.

**SELECT COMMITTEE APPOINTMENTS**

Representative Lamberth moved that the Speaker appoint a committee to notify the Senate that the House has completed its business for the Second Regular Session and is ready to adjourn sine die.

The Speaker announced that he had appointed the following committee to notify the

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

Senate that the House has completed its business for the Second Regular Session and is ready to adjourn sine die: Representative Moody, Weaver, Littleton, Lamar, Helton and G. Johnson. Representative Moody served as the Chair of this Committee.

Representative Lamberth moved that the Speaker appoint a committee to notify the Governor that the House has completed its business for the Second Regular Session and is ready to adjourn sine die.

The Speaker announced that he had appointed the following committee to notify the Governor that the House has completed its business for the Second Regular Session and is ready to adjourn sine die: Representatives T. Hill, Daniel, Holt, Coley, Love, Clemmons and Freeman. Representative Holt served as the Chair of this Committee.

**SENATE READY TO ADJOURN**

Senator Nicely notified the House that the Senate had completed its business and was ready to adjourn sine die.

**REPORTS OF SELECT COMMITTEES**

Rep. Holt advised the House that the Governor had been notified that the House has completed its business for the Second Regular Session and is ready to adjourn sine die.

Rep. Moody advised the House that the Senate had denied the notification that the House has completed its business for the Second Regular Session and is ready to adjourn sine die.

**JOURNAL APPROVED**

On motion of Rep. Lamberth, the Journal of the House of Representatives and the proceedings thereof were approved from the Thirty-Eighth through the Seventy-Fourth Legislative Day of the Second Regular Session.

**MESSAGE FROM THE SENATE  
June 19, 2020**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1827. The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
June 19, 2020**

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1772. The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**ENGROSSED BILLS  
June 19, 2020**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution No. 1247;

GREG GLASS, Chief Engrossing Clerk

**ENROLLED BILLS  
June 19, 2020**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution No. 375; and find same correctly enrolled and ready for the signature of the Speaker.

GREG GLASS, Chief Engrossing Clerk

**SIGNED  
June 19, 2020**

The Speaker announced that he had signed the following: House Resolution No. 375.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE  
June 19, 2020**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 1247; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE GOVERNOR  
June 19, 2020**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolutions Nos. 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1204, 1205, 1206, 1207, 1212 and 1214; with his approval.

LANG WISEMAN, Deputy and Counsel to the Governor

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**ENROLLED BILLS  
June 19, 2020**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 656, 1622, 1763, 1772, 1778 and 2830; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**ENROLLED BILLS  
June 19, 2020**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolutions Nos. 340, 363 and 365; and find same correctly enrolled and ready for the signature of the Speaker.

GREG GLASS, Chief Engrossing Clerk

**SIGNED  
June 19, 2020**

The Speaker announced that he had signed the following: House Resolutions Nos. 340, 363 and 365.

GREG GLASS, Chief Engrossing Clerk

**MOTION TO ADJOURN**

Rep. Lamberth moved the House of Representatives of the 111th General Assembly adjourn, sine die.

**SINE DIE ADJOURNMENT**

Thereupon, Mr. Speaker Sexton declared the House of Representatives of the 111th General Assembly adjourned, sine die.

Cameron Sexton, Speaker,  
House of Representatives

ATTEST:

TAMMY LETZLER, Chief Clerk,  
House of Representatives.

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**BILLS AND RESOLUTIONS ENROLLED, SIGNED AND  
TRANSMITTED TO THE GOVERNOR  
SUBSEQUENT TO SINE DIE ADJOURNMENT**

Appendix of House Bills and Resolutions presented to the Speaker of the House of Representatives and the Speaker of the Senate for their signatures, and appendix of the House Bills and House Joint Resolutions presented to the Governor, with his action, as recorded in the Office of the Secretary of State.

**MESSAGE FROM THE GOVERNOR  
June 22, 2020**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 1914; with his approval.

LANG WISEMAN, Deputy and Counsel to the Governor

**MESSAGE FROM THE GOVERNOR  
June 22, 2020**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bills Nos. 1642, 1708, 1750, 2028, 2120, 2255, 2266, 2461, 2586, 2588, 2907 and 2909; with his approval.

LANG WISEMAN, Deputy and Counsel to the Governor

**ENROLLED BILLS  
June 22, 2020**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1651, 1827, 2156, 2263, 2278, 2355, 2911, 2918, 2926 and 2932; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**REPORT OF CHIEF ENGROSSING CLERK  
June 22, 2020**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolutions Nos. 1213, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1231 and 1232; for his action.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE  
June 22, 2020**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245 and 1246; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**ENROLLED BILLS  
June 23, 2020**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolutions Nos. 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246 and 1247; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**SIGNED  
June 23, 2020**

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246 and 1247.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE  
June 23, 2020**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246 and 1247; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
June 23, 2020**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 29, 1247, 1560, 1578, 1608, 1622, 1642, 1727, 1752, 1756, 1775, 1778, 1796, 1872, 1960, 1961, 1974, 2019, 2097, 2167, 2207, 2243, 2244, 2292, 2301, 2330, 2458, 2492, 2511, 2734, 2737, 2741, 2747, 2771, 2874, 2878, 2884, 2931, 2932 and 2935; Senate Joint Resolutions Nos. 178 and 648; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

**REPORT OF CHIEF ENGROSSING CLERK  
June 23, 2020**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolutions Nos. 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245 and 1246; for his action.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE GOVERNOR  
June 23, 2020**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolutions Nos. 1213, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1231 and 1232; with his approval.

LANG WISEMAN, Deputy and Counsel to the Governor

**MESSAGE FROM THE SENATE  
June 23, 2020**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 1343, 1344, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405 and 1406; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED  
June 24, 2020**

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 1343, 1344, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405 and 1406.

TAMMY LETZLER, Chief Clerk

**MESSAGE FROM THE GOVERNOR  
June 24, 2020**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolutions Nos. 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245 and 1246; with his approval.

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

LANG WISEMAN, Deputy and Counsel to the Governor

**COMMUNICATION  
June 24, 2020**

Kenneth C. Hill  
139 Polo Drive  
Blountville, TN 37617

Re: Tennessee Public Utility Commission

Dear Mr. Hill,

As Speaker of the House of Representatives, acting pursuant to Tennessee Code Annotated, § 65-1-101(a), I am appointing you to serve as a commissioner of the Tennessee Public Utility Commission. Your service begins July 1, 2020, ends June 30, 2026, and is served at the pleasure of the Speaker of the House of Representatives, as the appointing authority.

I am forwarding a copy of this letter to Ashlee Hatfield with the Tennessee Public Utility Commission. Ms. Hatfield's office will be contacting you in the near future regarding this appointment.

I am confident that you will perform the duties of the office with the high standard of professionalism, dedication, and integrity that the citizens of Tennessee deserve and expect of their public servants.

/s/ Speaker Cameron Sexton

cc: Lt. Gov. Randy McNally  
Ashlee Hatfield - Tennessee Public Utility Commission  
Robert Greene, 8<sup>th</sup> Floor, Snodgrass Tower  
Alex Martin, G-7 State Capitol Bldg.  
Holt Whitt  
Connie Ridley  
Karen Garrett  
Anastasia Campbell  
Tammy Letzler

**SIGNED  
June 30, 2020**

The Speaker announced that he had signed the following: House Bills Nos. 394, 656, 1622, 1651, 1763, 1772, 1778, 1827, 1980, 2156, 2263, 2278, 2355, 2830, 2911, 2912, 2914, 2916, 2918, 2920, 2921, 2926, 2927, 2928, 2929 and 2932.

GREG GLASS, Chief Engrossing Clerk

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**MESSAGE FROM THE SENATE  
June 30, 2020**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 394, 1622, 1763, 1772, 1778, 1827, 1980, 2156, 2263, 2278, 2355, 2830, 2911, 2912, 2914, 2916, 2918, 2920, 2921, 2926, 2927, 2928, 2929 and 2932; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
June 30, 2020**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 656 and 1651; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**REPORT OF CHIEF ENGROSSING CLERK  
June 30, 2020**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 656 and 1651; for his action.

GREG GLASS, Chief Engrossing Clerk

**SIGNED  
June 30, 2020**

The Speaker announced that he had signed the following: Senate Bills Nos. 29, 1247, 1560, 1578, 1608, 1622, 1642, 1727, 1752, 1756, 1775, 1778, 1796, 1872, 1960, 1961, 1974, 2019, 2097, 2167, 2207, 2243, 2244, 2292, 2301, 2458, 2492, 2734, 2737, 2741, 2747, 2771, 2874, 2878 and 2884.

TAMMY LETZLER, Chief Clerk

**SIGNED  
June 30, 2020**

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 178 and 648.

TAMMY LETZLER, Chief Clerk

**MESSAGE FROM THE GOVERNOR  
June 30, 2020**

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**FRIDAY, JUNE 19, 2020 - SEVENTY-FOURTH LEGISLATIVE DAY UNOFFICIAL  
VERSION**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bills Nos. 656 and 1651; with his approval.

BILL LEE, Governor

**SIGNED  
June 30, 2020**

The Speaker announced that he had signed the following: Senate Bills Nos. 2330, 2931, 2932 and 2935.

TAMMY LETZLER, Chief Clerk

**REPORT OF CHIEF ENGROSSING CLERK  
July 6, 2020**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 394, 1622, 1763, 1772, 1778, 1827, 1980, 2156, 2263, 2278, 2355, 2830, 2911, 2912, 2914, 2916, 2918, 2920, 2921, 2926, 2927, 2928, 2929 and 2932; for his action.

GREG GLASS, Chief Engrossing Clerk